

eserve
FI
235
21
. 14
o. 18
ay 4,

KFI 1235 .A21
v. 14
no. 18
Illinois register
Received on: 05-09-90



JIM EDGAR
Secretary of State

ILLINOIS REGISTER

Rules of Governmental Agencies

TABLE OF CONTENTS

PROPOSED RULES

PAGE

ALCOHOLISM AND SUBSTANCE ABUSE, DEPARTMENT OF
Licensure of Alcoholism & Substance Abuse Treatment, Intervention &
Research Programs; 77 Ill. Adm. Code 2058 6457

ENVIRONMENTAL PROTECTION AGENCY
Toxic Pollution Prevention Innovation Plans; 35 Ill. Adm. Code 181 6520

POLLUTION CONTROL BOARD
Identification & Listing of Hazardous Waste; 35 Ill. Adm. Code 721 6528
Interim Status Standards for Owners & Operators of Hazardous Waste
Treatment, Storage & Disposal Facilities; 35 Ill. Adm. Code 725 6574
Land Disposal Restrictions; 35 Ill. Adm. Code 728 6597
RCRA Permit Program; 35 Ill. Adm. Code 703 6619
Standards for Owners & Operators of Hazardous Waste Treatment, Storage
& Disposal Facilities; 35 Ill. Adm. Code 724 6638
Standards for the Management of Specific Hazardous Waste & Specific
Types of Hazardous Waste Management Facilities; 35 Ill. Adm. Code 726 ... 6660

PUBLIC AID, DEPARTMENT OF
Reimbursement for Nursing Costs for Geriatric Facilities; 89 Ill. Adm.
Code 147 6664

REHABILITATION SERVICES, DEPARTMENT OF
Centers for Independent Living; 89 Ill. Adm. Code 885 6666
Vending Facility Program for the Blind; 89 Ill. Adm. Code 650 6683
Vending Stand Program for the Blind; 89 Ill. Adm. Code 650, Repeal of 6725

ADOPTED RULES

CORRECTIONS, DEPARTMENT OF
Personal Property; 20 Ill. Adm. Code 535 6765

POLLUTION CONTROL BOARD
Effluent Standards; 35 Ill. Adm. Code 304 6777

REHABILITATION SERVICES, DEPARTMENT OF
Medical, Psychological, & Related Services; 89 Ill. Adm. Code 587 6785

RETIREMENT SYSTEM, STATE UNIVERSITIES
Universities Retirement; 80 Ill. Adm. Code 1600 6789

REVENUE, DEPARTMENT OF
Cigarette Tax Act; 86 Ill. Adm. Code 440 6794
Cigarette Use Tax Act; 86 Ill. Adm. Code 450 6804
Income Tax; 86 Ill. Adm. Code 100 6810

(continued on next page)

VOLUME 14
ISSUE 18

A WEEKLY
PUBLICATION

MAY 4
1990

Pages 6457-6930

Secretary of State
Administrative Code Div.
201 West Monroe
Springfield, IL 62756

(217) 782-9786

REVENUE, DEPARTMENT OF (Continued)

Motor Fuel Tax; 86 Ill. Adm. Code 500	6826
Taxpayer Rights; 86 Ill. Adm. Code 205	6831
Use Tax; 86 Ill. Adm. Code 150	6835

SECRETARY OF STATE

Certificates of Title, Registration of Vehicles; 92 Ill. Adm. Code 1010	6848
Departmental Duties; 2 Ill. Adm. Code 552	6854
Ill. Safety Responsibility Law; 92 Ill. Adm. Code 1070	6859

EMERGENCY RULES

CONSERVATION, DEPARTMENT OF

Sport Fishing Regs. for the Waters of Ill.; 17 Ill. Adm. Code 810	6865
---	------

ELECTIONS, STATE BOARD OF

Raffles Conducted by Political Committees; 26 Ill. Adm. Code 210	6907
--	------

PUBLIC AID, DEPARTMENT OF

Reimbursement for Nursing Costs for Geriatric Facilities; 89 Ill. Adm. Code 147	6915
--	------

NOTICE OF PUBLIC HEARINGS

CONSERVATION, DEPARTMENT OF

General Hunting & Trapping on Department-Owned or -Managed Sites; 17 Ill. Adm. Code 510	6924
Muskrat, Mink, Raccoon, Opossum, Striped Skunk, Weasel, Red Fox, Gray Fox, Coyote, Beaver & Woodchuck (Groundhog) Trapping; 17 Ill. Adm. Code 570	6925
White-Tailed Deer Hunting by Use of Bow & Arrow; 17 Ill. Adm. Code 670	6926

JOINT COMMITTEE ON ADMINISTRATIVE RULES

Second Notices Received	6927
-------------------------------	------

EXECUTIVE ORDERS AND PROCLAMATIONS

PROCLAMATIONS

90-176 - Commends Little Miss Sigma Pageant/Congratulates Jennifer Douglas	6928
90-177 - Henry & Socorro Garza Day	6928
90-178 - Independent Order of Foresters Child Abuse Prevention Week	6929
90-179 - Professional Secretaries Week/Professional Secretaries Day	6929
90-180 - Queen Isabella Day	6929
90-181 - Seventh-Day Adventist Schools Week	6930

CUMULATIVE INDEX

1990 Index - Issue #18	CI-1
------------------------------	------

SECTIONS AFFECTED INDEX

1990 Index - Issue #18	SAI-1
------------------------------	-------

INTRODUCTION

The Illinois Register is the official state document for publishing public notice of rulemaking activity by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category. Rulemaking activity consists of proposed or adopted new rules or amendments to or repealers of existing rules, including those by emergency or peremptory action.

The *Register* also contains Executive Orders and Proclamations issued by the Governor, notices of public information required by State statute, and activities (meeting agendas, Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State agencies. In addition, the *Register* contains a Cumulative Index listing alphabetically by agency the Parts (sets of rules) on which rulemaking activity has occurred in the current *Register* volume and a Sections Affected Index listing, by Title of the *Illinois Administrative Code*, each Section (including supplementary material) of a Part on which rulemaking activity has occurred in the current volume. Both indices are action coded and are designed to aid the public in monitoring rules.

The *Register* will serve as the update to the *Illinois Administrative Code*, a compilation of the rules of State agencies. The most recent edition of the *Code* along with the *Register* comprise the most current accounting of the State agencies' rules.

The *Illinois Register* is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1985, ch. 127, pars. 1001 et seq., as amended).

REGISTER PUBLICATION SCHEDULE 1990

Material Rec'd after 4:30 p.m. on:	And before 4:30 p.m. on:	Will be in Issue #:	Published on:	Material Rec'd after 4:30 p.m. on:	And before 4:30 p.m. on:	Will be in Issue #:	Published on:
Dec. 19, 1989	Dec. 26, 1989	1	Jan. 5, 1990	June 26, 1990	July 3, 1990	28	July 13, 1990
Dec. 26, 1990	Jan. 2, 1990	2	Jan. 12, 1990	July 3, 1990	July 10, 1990	29	July 20, 1990
Jan. 2, 1990	Jan. 9, 1990	3	Jan. 19, 1990	July 10, 1990	July 17, 1990	30	July 27, 1990
Jan. 9, 1990	Jan. 16, 1990	4	Jan. 26, 1990	July 17, 1990	July 24, 1990	31	Aug. 3, 1990
Jan. 16, 1990	Jan. 23, 1990	5	Feb. 2, 1990	July 24, 1990	July 31, 1990	32	Aug. 10, 1990
Jan. 23, 1990	Jan. 30, 1990	6	Feb. 9, 1990	July 31, 1990	Aug. 7, 1990	33	Aug. 17, 1990
Jan. 30, 1990	Feb. 6, 1990	7	Feb. 16, 1990	Aug. 7, 1990	Aug. 14, 1990	34	Aug. 24, 1990
Feb. 6, 1990	Feb. 13, 1990	8	Feb. 23, 1990	Aug. 14, 1990	Aug. 21, 1990	35	Aug. 31, 1990
Feb. 13, 1990	Feb. 20, 1990	9	Mar. 2, 1990	Aug. 21, 1990	Aug. 28, 1990	36	Sept. 7, 1990
Feb. 20, 1990	Feb. 27, 1990	10	Mar. 9, 1990	Aug. 28, 1990	Sept. 4, 1990	37	Sept. 14, 1990
Feb. 27, 1990	Mar. 6, 1990	11	Mar. 16, 1990	Sept. 4, 1990	Sept. 11, 1990	38	Sept. 21, 1990
Mar. 6, 1990	Mar. 13, 1990	12	Mar. 23, 1990	Sept. 11, 1990	Sept. 18, 1990	39	Sept. 28, 1990
Mar. 13, 1990	Mar. 20, 1990	13	Mar. 30, 1990	Sept. 18, 1990	Sept. 25, 1990	40	Oct. 5, 1990
Mar. 20, 1990	Mar. 27, 1990	14	Apr. 6, 1990	Sept. 25, 1990	Oct. 2, 1990	41	Oct. 12, 1990
Mar. 27, 1990	Apr. 3, 1990	15	Apr. 13, 1990	Oct. 2, 1990	Oct. 9, 1990	42	Oct. 19, 1990
Apr. 3, 1990	Apr. 10, 1990	16	Apr. 20, 1990	Oct. 9, 1990	Oct. 16, 1990	43	Oct. 26, 1990
Apr. 10, 1990	Apr. 17, 1990	17	Apr. 27, 1990	Oct. 16, 1990	Oct. 23, 1990	44	Nov. 2, 1990
Apr. 17, 1990	Apr. 24, 1990	18	May 4, 1990	Oct. 23, 1990	Oct. 30, 1990	45	Nov. 9, 1990
Apr. 24, 1990	May 1, 1990	19	May 11, 1990	Oct. 30, 1990	Nov. 5, 1990	46	Nov. 16, 1990
May 1, 1990	May 8, 1990	20	May 18, 1990	Nov. 5, 1990	Nov. 13, 1990	47	Nov. 26, 1990 (Mon.)
May 8, 1990	May 15, 1990	21	May 25, 1990	Nov. 13, 1990	Nov. 20, 1990	48	Nov. 30, 1990
May 15, 1990	May 22, 1990	22	June 1, 1990	Nov. 20, 1990	Nov. 27, 1990	49	Dec. 7, 1990
May 22, 1990	May 29, 1990	23	June 8, 1990	Nov. 27, 1990	Dec. 4, 1990	50	Dec. 14, 1990
May 29, 1990	June 5, 1990	24	June 15, 1990	Dec. 4, 1990	Dec. 11, 1990	51	Dec. 21, 1990
June 5, 1990	June 12, 1990	25	June 22, 1990	Dec. 11, 1990	Dec. 18, 1990	52	Dec. 28, 1990
June 12, 1990	June 19, 1990	26	June 29, 1990	Dec. 18, 1990	Dec. 24, 1990	1	Jan. 4, 1991
June 19, 1990	June 26, 1990	27	July 6, 1990	Dec. 24, 1990	Dec. 31, 1990	2	Jan. 11, 1991

Please note: When the Register deadline falls on a State holiday, the deadline becomes 4:30 p.m. on Monday (the day before).

INTRODUCTION

The first purpose of this report is to provide a general overview of the current state of the world's population. The second purpose is to provide a detailed analysis of the factors that are influencing the world's population growth. The third purpose is to provide a detailed analysis of the factors that are influencing the world's population structure. The fourth purpose is to provide a detailed analysis of the factors that are influencing the world's population distribution. The fifth purpose is to provide a detailed analysis of the factors that are influencing the world's population quality.

The first purpose of this report is to provide a general overview of the current state of the world's population. The second purpose is to provide a detailed analysis of the factors that are influencing the world's population growth. The third purpose is to provide a detailed analysis of the factors that are influencing the world's population structure. The fourth purpose is to provide a detailed analysis of the factors that are influencing the world's population distribution. The fifth purpose is to provide a detailed analysis of the factors that are influencing the world's population quality.

The first purpose of this report is to provide a general overview of the current state of the world's population. The second purpose is to provide a detailed analysis of the factors that are influencing the world's population growth. The third purpose is to provide a detailed analysis of the factors that are influencing the world's population structure. The fourth purpose is to provide a detailed analysis of the factors that are influencing the world's population distribution. The fifth purpose is to provide a detailed analysis of the factors that are influencing the world's population quality.

The first purpose of this report is to provide a general overview of the current state of the world's population. The second purpose is to provide a detailed analysis of the factors that are influencing the world's population growth. The third purpose is to provide a detailed analysis of the factors that are influencing the world's population structure. The fourth purpose is to provide a detailed analysis of the factors that are influencing the world's population distribution. The fifth purpose is to provide a detailed analysis of the factors that are influencing the world's population quality.

REGISTER OF COUNTRIES

Country	Population	Area	Capital	Language	Religion	Government	Year
Albania	2,800,000	28,748	Tirana	Albanian	Islam	Republic	1990
Algeria	10,000,000	238,174	Algiers	Arabic	Islam	Republic	1990
Angola	4,000,000	480,379	Luanda	Portuguese	Catholic	Republic	1990
Argentina	25,000,000	2,780,400	Buenos Aires	Spanish	Catholic	Republic	1990
Australia	15,000,000	7,741,229	Canberra	English	Catholic	Constitutional Monarchy	1990
Austria	8,000,000	83,858	Vienna	German	Catholic	Republic	1990
Azerbaijan	6,000,000	86,600	Baku	Azerbaijani	Islam	Republic	1990
Bahrain	1,000,000	666	Manama	Arabic	Islam	Emirate	1990
Bangladesh	90,000,000	147,570	Dhaka	Bengali	Islam	Republic	1990
Barbados	250,000	430	Bridgetown	English	Catholic	Constitutional Monarchy	1990
Belarus	10,000,000	207,600	Minsk	Belarusian	Orthodox	Republic	1990
Belgium	9,000,000	30,528	Brussels	Dutch, French, German	Catholic	Constitutional Monarchy	1990
Belize	250,000	22,967	Belize City	English	Catholic	Constitutional Monarchy	1990
Benin	5,000,000	112,622	Cotonou	French	Catholic	Republic	1990
Bhutan	2,000,000	38,394	Thimphu	Tibetan	Buddhist	Monarchy	1990
Bolivia	7,000,000	1,098,581	Sucre	Spanish	Catholic	Republic	1990
Bosnia and Herzegovina	4,000,000	51,129	Sarajevo	Bosnian	Orthodox	Republic	1990
Brazil	150,000,000	8,511,965	Brasilia	Portuguese	Catholic	Republic	1990
Bulgaria	8,000,000	110,912	Sofia	Bulgarian	Orthodox	Republic	1990
Burkina Faso	5,000,000	274,000	Ouagadougou	French	Catholic	Republic	1990
Burundi	4,000,000	27,834	Gitega	French	Catholic	Republic	1990
Cambodia	10,000,000	181,035	Phnom Penh	Khmer	Buddhist	Monarchy	1990
Cameroon	10,000,000	475,339	Yaounde	French	Catholic	Republic	1990
Canada	25,000,000	9,970,610	Ottawa	English, French	Catholic	Constitutional Monarchy	1990
Cape Verde	400,000	4,033	Praia	Portuguese	Catholic	Republic	1990
Casakhstan	15,000,000	2,000,000	Nur-Sultan	Kazakh	Orthodox	Republic	1990
Catalonia	5,000,000	32,918	Barcelona	Catalan	Catholic	Autonomous Region	1990
Cayman Islands	40,000	264	George Town	English	Catholic	Constitutional Monarchy	1990
Czech Republic	10,000,000	78,867	Prague	Czech	Catholic	Republic	1990
Dominican Republic	4,000,000	7,667	Santiago	Spanish	Catholic	Republic	1990
Dominica	70,000	751	Roseau	English	Catholic	Constitutional Monarchy	1990
DRC	50,000,000	2,344,835	Kinshasa	French	Catholic	Republic	1990
Ecuador	10,000,000	283,560	Quito	Spanish	Catholic	Republic	1990
Egypt	50,000,000	1,001,450	Cairo	Arabic	Islam	Republic	1990
El Salvador	4,000,000	21,709	San Salvador	Spanish	Catholic	Republic	1990
Equatorial Guinea	1,000,000	28,051	Malabo	French	Catholic	Republic	1990
Eritrea	3,000,000	122,360	Asmara	Tigrinya	Orthodox	Republic	1990
Estonia	1,000,000	45,248	Tallinn	Estonian	Orthodox	Republic	1990
Ethiopia	50,000,000	1,104,308	Addis Ababa	Amharic	Orthodox	Republic	1990
Fiji	700,000	183,346	Suva	Fijian	Hindu	Constitutional Monarchy	1990
Finland	5,000,000	130,397	Helsinki	Finnish	Lutheran	Republic	1990
France	55,000,000	643,801	Paris	French	Catholic	Republic	1990
French Polynesia	200,000	3,802	Papeete	French	Catholic	Overseas Territory	1990
Gabon	1,000,000	267,668	Libreville	French	Catholic	Republic	1990
Gambia	1,000,000	11,170	Banjul	English	Catholic	Republic	1990
Georgia	4,000,000	69,700	Tbilisi	Georgian	Orthodox	Republic	1990
Germany	80,000,000	357,021	Berlin	German	Catholic	Republic	1990
Ghana	15,000,000	238,533	Accra	English	Catholic	Republic	1990
Greece	10,000,000	131,958	Athens	Greek	Orthodox	Republic	1990
Greenland	50,000	2,166,085	Narsarsuaq	Danish	Lutheran	Overseas Territory	1990
Grenada	100,000	344	St. George's	English	Catholic	Constitutional Monarchy	1990
Guatemala	10,000,000	107,890	Guatemala City	Spanish	Catholic	Republic	1990
Guinea	5,000,000	245,868	Conakry	French	Catholic	Republic	1990
Guinea-Bissau	1,000,000	11,245	Bissau	Portuguese	Catholic	Republic	1990
Haiti	7,000,000	77,815	Port-au-Prince	French	Catholic	Republic	1990
Honduras	4,000,000	112,492	Tegucigalpa	Spanish	Catholic	Republic	1990
Hungary	10,000,000	93,030	Budapest	Hungarian	Catholic	Republic	1990
Iceland	250,000	101,824	Reykjavik	Icelandic	Lutheran	Republic	1990
India	800,000,000	2,973,193	New Delhi	Hindi	Hindu	Republic	1990
Indonesia	150,000,000	1,919,348	Jakarta	Indonesian	Islam	Republic	1990
Iran	50,000,000	1,648,195	Tehran	Persian	Shiite	Republic	1990
Ireland	3,000,000	70,273	Dublin	Irish	Catholic	Republic	1990
Israel	4,000,000	20,346	Jerusalem	Hebrew	Jewish	Republic	1990
Italy	55,000,000	301,338	Rome	Italian	Catholic	Republic	1990
Jamaica	2,000,000	10,991	Kingston	English	Catholic	Constitutional Monarchy	1990
Japan	120,000,000	377,975	Tokyo	Japanese	Buddhist	Constitutional Monarchy	1990
Jordan	2,000,000	89,869	Amman	Arabic	Islam	Monarchy	1990
Kazakhstan	15,000,000	2,000,000	Nur-Sultan	Kazakh	Orthodox	Republic	1990
Kenya	15,000,000	224,961	Nairobi	English	Catholic	Republic	1990
Korea	40,000,000	100,431	Seoul	Korean	Buddhist	Republic	1990
Kosovo	2,000,000	10,908	Pristina	Albanian	Orthodox	Republic	1990
Kuwait	2,000,000	17,818	Kuwait City	Arabic	Islam	Emirate	1990
Kyrgyzstan	4,000,000	199,500	Bishkek	Kyrgyz	Orthodox	Republic	1990
Laos	5,000,000	236,800	Vientiane	Laotian	Buddhist	Republic	1990
Latvia	2,000,000	64,589	Riga	Latvian	Orthodox	Republic	1990
Lebanon	3,000,000	10,400	Beirut	Arabic	Orthodox	Republic	1990
Lesotho	2,000,000	30,355	Maseru	English	Catholic	Monarchy	1990
Lithuania	3,000,000	62,688	Vilnius	Lithuanian	Orthodox	Republic	1990
Luxembourg	400,000	2,586	Luxembourg	French, German, Luxembourgish	Catholic	Grand Duchy	1990
Madagascar	10,000,000	592,244	Antananarivo	Malagasy	Orthodox	Republic	1990
Mali	10,000,000	1,240,000	Bamako	French	Catholic	Republic	1990
Maldives	250,000	298	Male	Dhivehi	Islam	Republic	1990
Moldova	4,000,000	33,846	Chisinau	Romanian	Orthodox	Republic	1990
Mongolia	2,000,000	1,564,116	Ulaanbaatar	Mongolian	Buddhist	Republic	1990
Montenegro	1,000,000	13,812	Podgorica	Serbian	Orthodox	Republic	1990
Morocco	20,000,000	446,560	Rabat	Arabic	Islam	Monarchy	1990
Mozambique	15,000,000	309,309	Maputo	Portuguese	Catholic	Republic	1990
Myanmar	40,000,000	676,577	Nay Pyi Taw	Burmese	Buddhist	Republic	1990
Nicaragua	4,000,000	130,370	Managua	Spanish	Catholic	Republic	1990
Netherlands	15,000,000	41,526	Amsterdam	Dutch	Catholic	Constitutional Monarchy	1990
New Zealand	3,000,000	268,021	Wellington	English	Catholic	Constitutional Monarchy	1990
Niger	10,000,000	1,267,000	Niamey	French	Catholic	Republic	1990
Nigeria	100,000,000	371,914	Abuja	English	Catholic	Republic	1990
North Macedonia	2,000,000	25,713	Skopje	Macedonian	Orthodox	Republic	1990
Norway	4,000,000	385,207	Oslo	Norwegian	Lutheran	Constitutional Monarchy	1990
Oman	2,000,000	121,340	Muscat	Arabic	Islam	Monarchy	1990
Pakistan	90,000,000	796,095	Islamabad	Urdu	Islam	Republic	1990
Panama	2,000,000	7,542	Panama City	Spanish	Catholic	Republic	1990
Papua New Guinea	5,000,000	462,540	Port Moresby	English	Catholic	Constitutional Monarchy	1990
Paraguay	5,000,000	406,752	Asuncion	Spanish	Catholic	Republic	1990
Peru	20,000,000	1,285,178	Lima	Spanish	Catholic	Republic	1990
Philippines	50,000,000	300,000	Manila	Tagalog	Catholic	Republic	1990
Poland	35,000,000	118,516	Warsaw	Polish	Catholic	Republic	1990
Portugal	10,000,000	92,090	Lisbon	Portuguese	Catholic	Republic	1990
Romania	20,000,000	237,513	Bucharest	Romanian	Orthodox	Republic	1990
Russia	150,000,000	17,098,242	Moscow	Russian	Orthodox	Republic	1990
Rwanda	5,000,000	26,338	Kigali	Kinyarwanda	Catholic	Republic	1990
Saudi Arabia	15,000,000	2,150,000	Riyadh	Arabic	Islam	Monarchy	1990
Senegal	5,000,000	76,955	Dakar	French	Catholic	Republic	1990
Serbia	10,000,000	77,614	Belgrade	Serbian	Orthodox	Republic	1990
Singapore	2,000,000	710	Singapore	Malay	Buddhist	Republic	1990
Slovakia	5,000,000	48,846	Bratislava	Slovak	Catholic	Republic	1990
Slovenia	2,000,000	20,273	Ljubljana	Slovene	Catholic	Republic	1990
South Africa	25,000,000	1,219,090	Cape Town	English	Catholic	Republic	1990
South Korea	40,000,000	100,431	Seoul	Korean	Buddhist	Republic	1990
Spain	40,000,000	505,992	Madrid	Spanish	Catholic	Monarchy	1990
Sri Lanka	15,000,000	65,610	Columbo	Sinhala	Buddhist	Republic	1990
Sudan	25,000,000	1,861,484	Khartoum	Arabic	Islam	Republic	1990
Sweden	8,000,000	449,964	Stockholm	Swedish	Lutheran	Constitutional Monarchy	1990
Switzerland	7,000,000	41,284	Bern	German	Catholic	Confederation	1990
Taiwan	20,000,000	36,193	Taipei	Mandarin	Buddhist	Republic	1990
Tanzania	30,000,000	945,087	Dar es Salaam	Swahili	Catholic	Republic	1990
Thailand	50,000,000	513,120	Bangkok	Thai	Buddhist	Monarchy	1990
Togo	5,000,000	56,783	Lome	French	Catholic	Republic	1990
Tonga	200,000	747	Nuku'alofa	Tongan	Catholic	Monarchy	1990
Trinidad and Tobago	1,000,000	935	Port of Spain	English	Catholic	Constitutional Monarchy	1990
Tunisia	8,000,000	163,267	Tunis	Arabic	Islam	Republic	1990
Turkey	50,000,000	783,562	Ankara	Turkish	Islam	Republic	1990
Ukraine	45,000,000	603,628	Kyiv	Ukrainian	Orthodox	Republic	1990
United Kingdom	50,000,000	244,818	London	English	Catholic	Constitutional Monarchy	1990
United States	250,000,000	9,833,617	Washington D.C.	English	Catholic	Republic	1990
Uruguay	3,000,000	176,215	Montevideo	Spanish	Catholic	Republic	1990
Uzbekistan	15,000,000	447,400	Tashkent	Uzbek	Orthodox	Republic	1990
Venezuela	20,000,000	916,440	Caracas	Spanish	Catholic	Republic	1990
Vietnam	60,000,000	331,212	Hanoi	Vietnamese	Buddhist	Republic	1990
Yemen	15,000,000	527,970	Sana'a	Arabic	Islam	Republic	1990
Zambia	5,000,000	294,375	Lusaka	English	Catholic	Republic	1990
Zimbabwe	8,000,000	390,757	Harare	English	Catholic	Republic	1990

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Licensure of Alcoholism and Substance Abuse Treatment, Intervention and Research Programs

- 2) Code Citation: 77 Ill. Adm. Code 2058

- 3) Section Numbers: Proposed Action:

2058.105	Amendment
2058.110	"
2058.120	"
2058.125	"
2058.303	"
2058.306	"
2058.309	"
2058.312	"
2058.315	"
2058.318	"
2058.319	New Section
2058.321	Amendment
2058.327	"
2058.330	"
2058.333	"
2058.336	"
2058.342	"
2058.343	New Section
2058.348	Amendment
2058.354	"
2058.366	"
2058.400	"
2058.405	"
2058.410	"
2058.600	"
2058.705	"
2058.805	"
2058.900	"
2058.905	"

- 4) Statutory Authority: Ill. Rev. Stat. 1987, Ch. 111 1/2, par. 6354-1, Ch. 56 1/2, pars. 711 and 1508, and Ch. 95 1/2, par. 11-501(e)

- 5) A Complete Description of the Subjects and Issues Involved:

Amendments of certain provisions of the rules appear to be desirable pursuant to the Department's regulatory experience with them since promulgation in September, 1988. Also various errors appeared in the 1988 final published version, as noted by the Joint Committee on Administrative Rules. Additions and amendments are being made in areas

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED AMENDMENTS

regarding confidentiality, HIV infection, and toxicology, to reflect consistency with current pertinent laws and rules.

- 6) Will this proposed rule replace an emergency rule currently in effect?:

No

- 7) Does this rulemaking contain an automatic repeal date? No

- 8) Does this proposed amendment contain incorporations by reference? No.

- 9) Are there any other proposed amendments pending on this Part? No.

- 10) Statement of Statewide Policy Objectives: Not Applicable

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

Interested persons should address their comments concerning these rules in writing within 45 days to:

Nancy J. Bennett
General Counsel
Department of Alcoholism and Substance Abuse
100 West Randolph, Suite 5-600
Chicago, Illinois 60601

- 12) Initial Regulatory Flexibility Analysis:

- A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: April 16, 1990

- B) Types of small businesses affected:

For profit and not-for profit individuals, corporations, or other entities which are in the business of providing substance abuse treatment services.

- C) Reporting, bookkeeping or other procedures required for compliance:

Reporting requirements of the current rule are not substantially changed.

- D) Types of professional skills necessary for compliance:

See (C) above.

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED AMENDMENTS

TITLE 77: PUBLIC HEALTH
 CHAPTER X: DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE
 SUBCHAPTER d: LICENSURE

PART 2058
 LICENSURE OF ALCOHOLISM AND SUBSTANCE ABUSE TREATMENT,
 INTERVENTION AND RESEARCH PROGRAMS

SUBPART A: GENERAL PROVISIONS

Section	Incorporations
2058.102	Definitions
2058.105	Facilities Subject to Licensure
2058.110	Exception Process
2058.115	Applicability
2058.120	Cessation of Operations
2058.125	Unlicensed Practice
2058.130	Compliance Dates
2058.135	

SUBPART B: APPLICATIONS/RENEWALS/APPLICATION FEES

Section	License Issuance
2058.200	Application Forms
2058.205	Renewal Application Forms
2058.210	Application Fees
2058.215	Period of Licensure
2058.220	Acceptance for Processing
2058.225	Verification of Application Information
2058.230	Change of Ownership
2058.235	

SUBPART C: TREATMENT FACILITIES

Section	Authorized Program Representative
2058.300	Advisory Board
2058.303	Plan for Professional Services
2058.306	Quality Assurance System
2058.309	Client Rights
2058.312	Client Records
2058.315	Confidentiality - Alcoholism and Drug Abuse Patient Information
2058.318	Confidentiality - HIV Antibody and/or AIDS Status
2058.319	Confidentiality - HIV Antibody and/or AIDS Status
2058.321	Medical Responsibility
2058.324	Medication Dispensary Services
2058.327	Intake
2058.330	Assessment
2058.333	Treatment Plans

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED AMENDMENTS

2058.336 Progress Notes
 2058.339 Discharge Summary and Aftercare
 2058.342 Infection Control
 2058.343 HIV Infection and AIDS Related Training
 2058.345 Sterile Supplies and Equipment
 2058.348 Food Services
 2058.351 Emergency Services
 2058.354 Referrals and Consultation
 2058.357 Special Treatment Procedures
 2058.360 Human Research Projects
 2058.363 Rehabilitation Services
 2058.366 Toxicology
 2058.369 Use of Methadone
 2058.372 Residential
 2058.374 Residential Rehabilitation Adult
 2058.376 Residential Rehabilitation Adolescent
 2058.378 Halfway House Facilities
 2058.380 Social Setting Detoxification Facilities
 2058.382 Adult Medical Detoxification Facilities
 2058.384 Adolescent Medical Detoxification Facilities
 2058.386 Outpatient
 2058.388 Adult Outpatient Facilities
 2058.390 Adolescent Outpatient Facilities
 2058.392 Adult Intensive Outpatient
 2058.394 Adolescent Intensive Outpatient
 2058.396 Adult Medical Detoxification

SUBPART D: INTERVENTION

Section	Identification Function
2058.400	BHI-Evaluation Regulation
2058.405	Designated Program
2058.410	

SUBPART E: RESEARCH

Section	Controlled Substances Research
2058.500	

SUBPART F: PHYSICAL PLANT REQUIREMENTS

Section	General - All Facilities
2058.600	Residential Facility Requirements
2058.602	Outpatient Facilities - General
2058.610	Research
2058.625	New Construction Requirements - All Facilities
2058.630	

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED AMENDMENTS

NOTICE OF PROPOSED AMENDMENTS

SUBPART G: REPORTS

Section 2058.105 Definitions

Section
2058.700 Reports to DASA
2058.705 Reports to Other Agencies

SUBPART H: COMPLAINTS/INSPECTIONS/INVESTIGATIONS

Section
2058.800 Complaints
2058.805 Inspections
2058.810 Investigations
2058.815 Collection and Seizure

SUBPART I: HEARINGS/SANCTIONS

Section
2058.900 Hearings
2058.905 Sanctions

SUBPART J: COMMITTEES

Section
2058.1000 Special Committee on Licensure

AUTHORITY: Implementing Section 11-501 of the Illinois Rules of the Road of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 11-501(e)), Sections 711 and 1508 of the Illinois Controlled Substances Act (Ill. Rev. Stat. 1987, pars. 711 and 1508), and the Illinois Alcoholism and Other Drug Dependency Act (Ill. Rev. Stat. 1987, ch. 111 1/2, pars. 6351-1 et seq.) and authorized by Article IV of the Illinois Alcoholism and Other Drug Dependency Act (Ill. Rev. Stat. 1987, ch. 111 1/2, pars. 6354-1 et seq.).

SOURCE: Adopted at 12 Ill. Reg. 14524, effective September 6, 1990; amended at 14 Ill. Reg. _____, effective _____.

"Acceptance of the client" in a designated program means that the client meets the criteria as set forth in Section 10-101 of the Alcoholism and Other Drug Dependency Act. (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 6360-1) (the Act) and conditions for delivery of services by the designated program.

"Admission" means the process of initiating treatment services.

"Adolescent" means a person who has reached the twelfth (12th) birthday but has not yet reached the eighteenth (18th) birthday.

"Adults" are defined as persons who are eighteen (18) years of age or older.

"Assessment" means the aggregate set of services provided to treatment clients in order to determine the nature and scope of physical, emotional, behavioral and social needs.

"Authorized Prescriber" means a physician licensed to practice medicine in all its branches pursuant to the Medical Practice Act of 1987 (Ill. Rev. Stat. 1987, ch. 111, par. 4400-1 et seq.) or a physician under Federal Authority who issues prescriptions pursuant to 21 CFR 1301.25 (1987).

"Authorized Program Representative" means the individual designated in the application by the owners or corporation to act on its behalf with regard to the provision of services under the Alcoholism and Other Drug Dependency Act (the Act) (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 6351-1 et seq.).

"Client" means a person who receives treatment or intervention services. The term is synonymous with "consumer," "patient," "recipient of treatment," and "resident."

"Controlled Substance" means a drug or substance, or immediate precursor in the Schedules of Article II of the Illinois Controlled Substances Act (Ill. Rev. Stat. 1987, ch. 56 1/2, par. 1201 et seq.).

"Discharge" means the point at which the client's involvement with a facility is terminated either by action of the client or by a written decision by the facility and the facility no longer maintains responsibility for the care of the client.

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED AMENDMENTS

"Driving Under the Influence (DUI) Program" means evaluation, remedial education, or referral to treatment for persons charged with DUI of alcohol or other substances.

"Existing Facility" applies to a building in which an existing program is licensed and in place on or before June 30, 1988. Costs of remodeling or renovation of such a facility shall not exceed 50% of its replacement value. Buildings which are under construction contract on or before June 30, 1988, and which will have all construction completed by December 31, 1988 will be classified as an existing facility.

"Facility" means the building or premises, including the grounds and any satellite premises included in the license for the facility which are used for treatment, intervention or research activities as specified in this Part.

"Halfway House" means a type of residential treatment facility which provides a twenty-four (24) hour, live-in, structured, treatment environment with activities focusing on job and other independent living skills, such as managing personal finances and building social relationships.

"Incident Report" means a facility's internal document which describes an event that is likely to lead to adverse effects (severe illness, loss of life, or need for emergency medical services) or that varies from established policies and procedures pertaining to client care.

"Intake" means the aggregate set of services provided to clients in the process of admission to a treatment or designated program facility. These include client screening and client orientation to the facility's services and requirements.

"Intensive Outpatient" means the provision of face to face treatment services to an individual who is experiencing a problem with alcohol or other drugs, who receives at least 15 hours per week of such services from the licensed facility, but who does not receive room and board as a part of these services.

"Intervention" means activity or services performed by DUI programs, designated programs, or BASSET programs, as set forth more specifically in Section 2058.110 and Subpart D below.

"Investigational New Drugs" are those substances which require approval by the U.S. Food and Drug Administration for trials with human subjects pursuant to 21 CFR 312 (1987).

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED AMENDMENTS

"Medical Detoxification" means a type of treatment facility which provides services and activities focusing on therapeutic procedures administered under medical supervision which relieve the severity of withdrawal from alcohol or other drugs.

"Methadone" means a synthetic narcotic analgesic drug (4,4-diphenyl-6-dimethylamino-heptanone-3-hydrochloride) which is approved by the U.S. Food and Drug Administration (FDA) for use in narcotic treatment programs for purposes of detoxifying or maintaining persons dependent on heroin or other morphine-like drugs.

"Methadone Treatment - Long-term Detoxification" means detoxification treatment for a period of more than thirty (30) days but not in excess of 180 days using methadone as an ancillary medical support to treatment services.

"Methadone Treatment - Short-term Detoxification" means detoxification treatment for a period not in excess of thirty (30) days using methadone as an ancillary medical support to treatment services.

"Methadone Treatment - Maintenance" means the dispensing of methadone for more than 180 days using methadone in support of the treatment of an individual for dependence on heroin or other morphine-like drugs for the purpose of suppression of opiate withdrawal symptoms without the induction of opiate intoxication and including periodic evaluation to initiate withdrawal and a return to a drug-free state.

"New Facility" means any facility applying for an initial license on or after July 1, 1988, whether newly constructed or previously existing for some other purpose. New Facility also applies to an existing facility in which remodeling or renovation costs are in excess of 50% of the building's replacement value.

"Outpatient" means the provision of face to face treatment services to an individual who is experiencing a problem with alcohol and other drugs, but who does not receive room and board as part of these services.

"Physician" means a person who is licensed to practice medicine in all its branches pursuant to the Medical Practice Act of 1987 (Ill. Rev. Stat. 1987, ch. 111, par. 4400-1 et seq.)

"Practitioner" means a physician, dentist, podiatrist, veterinarian, scientific investigator, pharmacist, licensed practical nurse, registered nurse, other person, hospital, laboratory, or pharmacy, or other person licensed, registered, or otherwise

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED AMENDMENTS

permitted by the United States pursuant to 21 CFR 1301.21 (1987) or this State to distribute, dispense in accordance with Section 312 of the Illinois Controlled Substances Act (Ill. Rev. Stat. 1987, ch. 56 1/2, par. 1312); conduct research with respect to, administer or use in teaching or chemical analysis, a controlled substance in the course of professional practice or research.

"Principal Scientific Investigator" means the person engaged in controlled substances research who has ultimate responsibility for the research project.

"Professional Staff" means any of the staff in a treatment program who deliver or provide intake; assessment; treatment planning; individual, group, or family counseling; discharge planning; medication dispensing; or rehabilitation services to treatment clients.

"Psychiatrist" means a physician licensed to practice medicine in all its branches pursuant to the Medical Practice Act of 1987 (Ill. Rev. Stat. 1987, ch. 111, par. 4400-1 et seq.) and who meets the requirements of Section 1-121 of the Mental Health and Developmental Disabilities Code (Ill. Rev. Stat. 1987, ch. 91 1/2, par. 1-121).

"Readmission" means the act of initiating services to an individual who previously received any prior treatment in the same facility or in another facility under the control or supervision of the entity controlling or supervising the readmitting facility. Readmission processes include all admission activities and a specific examination of prior treatment experiences.

"Research" means activity as set forth in Section 2058.110 (c) below.

"Residential" means a 24-hour, live-in, structured, supervised, treatment environment.

"Residential Rehabilitation" means a residential treatment facility which provides a twenty-four (24) hour, live-in environment and activities focusing on changing client behaviors and increasing client knowledge of the effects of alcohol and other drugs' use and abuse.

"Revocation" means the termination of a license by the Department.

"Satellite Facility" means the premises where treatment, intervention, or research activities are conducted, but where such activities are limited to less than sixteen (16) hours per week.

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED AMENDMENTS

Activities conducted in a satellite facility shall be owned and operated by a facility licensed under this Part.

"Small Facility" means the premises where treatment activities are conducted, but where such activities are carried out by three (3) or fewer full time equivalent professional staff members.

"Seclusion" means that the treatment client is required to remain in a part of the treatment facility that is not part of the common client areas used for daily activities, and the client is not permitted to participate in the usual activities of the facility.

"Significant Incident Report" means the documentation that a facility is required to submit to the Department in the event that a life-threatening accident or other event occurs which requires the services of the fire department, the police department, or the coroner.

"Social Setting Detoxification" means a type of residential treatment facility which provides intake and admission services on demand and a twenty-four (24) hour, live-in environment with activities focused on crisis intervention and referral services.

"Support Staff" means the clerical, administrative, and facility management personnel who do not deliver direct services to treatment clients.

"Treatment" means a continuum of activities or services provided to persons addicted to or abusing alcohol or other drugs. Services or activities include intake; assessment; treatment planning; individual, group or family counseling; and discharge planning.

"Treatment Plan" means an individually tailored written plan for a treatment client which identifies the care and treatment to be provided to the client based upon an assessment of individual problems, needs, and strengths and weaknesses.

(Source: Amended at 14 Ill. Reg. _____, effective _____)

Section 2058.110 Facilities Subject to Licensure

The Department of Alcoholism and Substance Abuse (the Department) shall issue licenses for the following categories of services:

a) TYPE A: Treatment Licenses

- 1) Treatment licenses shall be required for facilities engaged in a continuum of activities or services to persons who are

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED AMENDMENTS

NOTICE OF PROPOSED AMENDMENTS

addicted to or abusing alcohol or other drugs. Treatment services and activities include intake; assessment; treatment planning; individual, group or family counseling; and discharge planning. A satellite facility supervised by a licensed residential or outpatient treatment facility is not required to hold a separate license.

- 2) The Department shall issue licenses for two (2) categories of treatment as follows:

A) TYPE A(1): Residential Treatment

Facilities delivering treatment activities or services to clients and which also provide room and board for clients shall be licensed as residential treatment facilities. A facility may apply to provide more than one type of residential service at a single premise or location (e.g. residential rehabilitation - adult and social setting detoxification - adult) but shall be authorized as part of the single residential license for that premise or location. Specific requirements for residential treatment facilities are included in Subpart C and Subpart F of this Part, and include requirements for the following subcategories of residential treatment:

- i) Residential Rehabilitation - Adult
These treatment facilities are licensed to provide residential treatment services for persons aged eighteen (18) years or older and shall also meet the additional requirements for adult residential rehabilitation facilities specified in Section 2058.374. The facility may use methadone as an ancillary medication service for detoxification or withdrawal from dependence on opiates in accordance with the requirements specified in Section 2058.369.
- ii) Residential Rehabilitation - Adolescent
These treatment facilities are licensed to provide residential treatment services for persons aged twelve (12) through seventeen (17) years and shall also meet the additional requirements for adolescent residential rehabilitation facilities specified in Section 2058.376. Exceptions will be permitted for persons aged ten (10) and eleven (11) years on an individual case basis upon approval by the Department.
- iii) Halfway House - Adult
These treatment facilities are licensed to provide residential treatment services for persons aged eighteen (18) years or older and shall also meet the additional requirements for adult halfway house facilities specified in Section 2058.378.
- iv) Social Setting Detoxification - Adult

These treatment facilities are licensed to provide residential treatment services for persons aged eighteen (18) years or older and shall also meet the additional requirements for adult social setting detoxification facilities specified in Section 2058.380.

v) Medical Detoxification - Adult

These treatment facilities are licensed to provide residential treatment services for persons aged eighteen (18) years or older and shall also meet the additional requirements for adult medical detoxification facilities specified in Section 2058.382. The facility may use methadone as an ancillary medication service for detoxification or withdrawal from dependence on opiates in accordance with the requirements specified in Section 2058.369.

vi) Medical Detoxification - Adolescent

These treatment facilities are licensed to provide residential treatment services for persons aged twelve (12) through seventeen (17) years and shall also meet the additional requirements for adolescent medical detoxification facilities specified in Section 2058.384. The facility may use methadone as an ancillary medication service for persons aged sixteen (16) and seventeen (17) years for detoxification from dependence on opiates in accordance with the requirements specified in subsection 2058.369(b).

B) TYPE A(2): Outpatient Treatment

Facilities delivering treatment activities or services to clients and which do not provide room and board shall be licensed as outpatient treatment facilities. A facility may apply to provide more than one type of outpatient service at a single premise or location (e.g. outpatient adult and intensive outpatient adolescent), but all such services shall be authorized as part of the single residential license for that premise or location. Specific requirements for outpatient treatment facilities are included in Subparts C and F of this Part, and include requirements for the following subcategories of outpatient treatment:

i) Outpatient - Adult

These treatment facilities are licensed to provide outpatient treatment services for persons aged eighteen (18) years or older and shall also meet the additional requirements for adult outpatient facilities specified in 2058.388. The facility may use methadone as an ancillary medication service for

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED AMENDMENTS

detoxification or withdrawal from dependence on opiates in accordance with the requirements specified in subsection 2058.369(b).

ii) Outpatient - Adolescent

These treatment facilities are licensed to provide outpatient treatment services for persons aged twelve (12) through seventeen (17) years and shall also meet the additional requirements for adolescent outpatient facilities specified in Section 2058.390. Exceptions will be permitted for persons aged ten (10) and eleven (11) years on an individual case basis upon approval by the Department.

iii) Intensive Outpatient - Adult

These treatment facilities are licensed to provide intensive outpatient treatment services for persons aged eighteen (18) years or older and shall also meet the additional requirements for adult intensive outpatient facilities specified in Section 2058.392. The facility may use methadone as an ancillary medication service for detoxification or withdrawal from dependence on opiates in accordance with the requirements specified in subsection 2058.369(b).

iv)

Intensive Outpatient - Adolescent
These treatment facilities are licensed to provide intensive outpatient treatment services for persons aged twelve (12) through seventeen (17) years and shall also meet the additional requirements for adolescent intensive outpatient facilities specified in Section 2058.394.

v)

Medical Detoxification - Adult
These treatment facilities are licensed to provide outpatient treatment services for persons aged eighteen (18) years or older and shall also meet the additional requirements for adult medical detoxification facilities specified in Section 2058.396. The facility may use methadone as an ancillary medication service for detoxification or withdrawal from dependence on opiates in accordance with the requirements specified in subsection 2058.369(b).

b) TYPE B: Intervention Licenses

The Department shall issue four (4) categories of intervention licenses in accordance with the requirements specified below. A satellite facility supervised by an administrator of a licensed intervention facility is not required to hold a separate license.

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED AMENDMENTS

Such intervention licenses shall be required for facilities engaged in the following services or activities:

1) TYPE B(1): DUI Evaluation

Facilities evaluating persons who are charged with driving under the influence (DUI) offenses pursuant to Section 11-501 of the Illinois Rules of the Road of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95-1/2, par. 11-501) and who perform such evaluations for submission to the Illinois courts or the Secretary of State shall be licensed as DUI evaluation facilities. Specific requirements for these DUI evaluation facilities are included in 77 Ill. Adm. Code 2056.

2) TYPE B(2): Designated Program

Facilities which provide screening, assessing, referring and tracking activities and services pursuant to Article X of The Act and who carry out such activities or services as the designated program for the Department, shall be licensed as designated agent facilities. Specific requirements for these designated program facilities are included in Subparts D and F of this Part.

3) TYPE B(3) DUI Remedial Education

Facilities providing remedial education services to persons charged with driving under the influence (DUI) offenses pursuant to Section 11-501 of the Illinois Rules of the Road of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par 11-501) shall be licensed as DUI remedial education facilities. Specific requirements for these DUI remedial education facilities are included in 77 Ill. Adm. Code 2056.

4) TYPE B(4): Beverage Alcohol Sellers and Servers Education and Training (BASSET)

Facilities providing training services to beverage alcohol sellers and servers pursuant to the Illinois Alcoholism and Other Drug Dependency Act (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 6352-1) shall be licensed as Beverage Alcohol Sellers and Servers Education and Training (BASSET) facilities. Specific requirements for these BASSET facilities are included in 77 Ill. Adm. Code 2056.

c) TYPE C: Research Licenses

A Research licenses shall be required for a facilities program using controlled substances for research as enumerated in Articles I and II and Section 508 of the Illinois Controlled Substances Act (Ill. Rev. Stat. 1987, ch. 56 1/2, pars. 1100 et seq., 1201 et seq., and 1508) and/or as specified in Sections 11, 15, and 15.1 of the Cannabis Control Act (Ill. Rev. Stat. 1987, ch. 56 1/2, pars. 711, 715, and 715.1). Specific requirements for these controlled

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED AMENDMENTS

substances research facilities are included in Subparts E and F of this Part.

(Source: Amended at 14 Ill. Reg. _____, effective _____)

Section 2058.120 Applicability

a) The Section promulgated herein This Part shall apply to all persons engaged in treatment, intervention, or research activities as defined in Section 2058.105 and as specified in Section 2058.110, except as specifically exempted in Section 1-105 of the Illinois Alcoholism and Other Drug Dependency Act (Ill. Rev. Stat. 1987, ch. 111-1/2, par. 6351-5).

b) Except for hospitals, persons exempted pursuant to Section 1-105 of the Illinois Alcoholism and Other Drug Dependency Act shall be subject to licensure as a treatment, intervention or research facility under this Part whenever the following circumstances occur:

- 1) the practitioner advertises in public media that the practice is devoted to alcoholism or other drug abuse treatment, intervention or research as defined in Section 2058.105 or as defined by the Illinois Alcoholism and Other Drug Dependency Act (Ill. Rev. Stat. 1987, ch. 111-1/2, par. 6351-3); or
- 2) the practitioner holds himself/herself out to be a specialist in treatment, intervention, or research services to alcoholics or other drug abusers and the practitioner engages in the treatment, intervention, or research activities defined in Section 2058.105 (or as defined by the Illinois Alcoholism and Other Drug Dependency Act (Ill. Rev. Stat. 1987, ch. 111-1/2, par. 6351-3)).

(Source: Amended at 14 Ill. Reg. _____, effective _____)

Section 2058.125 Cessation of Operations

- a) A licensee which desires to cease operations shall notify the Department at least thirty (30) days prior to the date on which cessation of operations is scheduled to occur. The facility shall insure that all clients have been apprised of the pending cessation of operations. The licensee shall insure that the needs of all clients are met by alternate means, and shall notify the Department within ten (10) days prior to closure of any case in which it is anticipated that a client's needs cannot be met by existing systems of treatment or care.

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED AMENDMENTS

- b) Upon receipt of notice from a licensee that it intends to cease operations at a location, the Department will schedule an on-site inspection to insure that the controlled substances inventory is transferred or destroyed in accordance with the Drug Enforcement Administration (DEA) requirements set forth at 21 CFR 1307.14 and 21 CFR 1301.21 (1987), respectively, that all client files are stored in a location which meets the security requirements of subsections 2058.315(a)(1) and (a)(4) for a period of three (3) years, and that all client records remain available for review.

- c) Upon cessation of operations, the license will be cancelled; automatically become null and void, and all documentation of licensure shall be surrendered to the Department, immediately. In addition to voluntary cessation, the inability of a program to continue to operate as licensed, whether because of damage to the facility, lack of staff or other cause, shall also be considered to be cessation of operation.

(Source: Amended at 14 Ill. Reg. _____, effective _____)

Section 2058.303 Advisory Board

- a) The owner(s), governing body, board of directors or partners of not-for-profit organizations seeking or holding one or more licenses for treatment facilities under this Part shall appoint and maintain advisory members through one of the following methods:

- 1) by appointing at least five (5) members to the governing body who reside within fifty (50) miles of one or more of the licensed facilities operated by the organization. These advisory members shall have no direct or indirect financial interest in the organization; or
- 2) by appointing an advisory board separate and apart from the governing body, owners, or board of directors of at least five (5) members who reside within fifty (50) miles of one or more of the licensed facilities operated by the organization. These advisory members shall have no direct or indirect financial interest in the organization.

- b) The governing body or advisory board shall be responsible for providing review and comment on the need for and types of services for treating alcoholism and other drug abuse in the geographic area of the facilities operated by the organization.

- c) For the purposes called for in this rule, the advisory board or governing body shall meet at least three (3) times per year.

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED AMENDMENTS

- d) Minutes of advisory board or governing body meetings held pursuant to the requirements of this rule shall be kept and shall include the following:
- 1) the date of the meeting;
 - 2) the names of members who attended;
 - 3) at one meeting each year, a record of the review and approval of the licensed facility's professional services plan and quality assurance system;
 - 4) any decisions reached and actions taken; and
 - 5) the reports of the authorized program representative and others.
 - 6) Compliance date for all standards in this Section - July 1, 1989.

(Source: Amended at 14 Ill. Reg. _____, effective _____)

Section 2058.306 Plan for Professional Services

- a) Each licensed facility shall prepare and implement a written plan for professional services which includes an annual services plan and a professional staff plan.
- b) The plan for professional services shall be reviewed at least annually by the authorized program representative, shall be revised as necessary, and shall be signed and dated by the governing body or the advisory board as required in subsection 2058.303(d)(3).
- 1) There shall be documentation that the facility has considered findings from the quality assurance system in reviewing the plan.
 - 2) There shall be documentation that the results of the review of the plan for professional services are made available to staff.
- c) The annual services plan shall include the following:
- 1) a description of all of the services and activities offered by the facility, including those services required by this Subpart for the type of license held by the facility;
 - 2) a delineation of the qualifications of professional and support staff assigned to provide each of the services and activities described in subsection (c)(1) above;
 - 3) an estimate of the number of clients to be served during the year;
 - 4) a delineation of the number and types of professional staff needed to provide services and activities for the estimated client load; and

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED AMENDMENTS

- 5) a description of the services or activities which use volunteers.
- d) The professional staff plan shall include the following:
 - 1) a description and chart showing the professional staff organization which assigns lines of authority and supervision; and
 - 2) staff growth and development activities which shall be provided for administrative, professional, and support staff to improve staff capability to implement the facility's plan for professional services.
- e) In implementing the plan for professional services, the facility shall include the following:
 - 1) professional and support staff to implement the annual services plan;
 - 2) documentation that professional staff meet all federal, state, and local requirements for licensing, registration or certification including provisions for staff operating within professions with protected titles;
 - 3) documentation that all professional staff are qualified in accordance with the requirements of the annual services plan to perform their assigned treatment responsibilities;
 - 4) documentation that orientation and training programs have been provided for all employees:
 - A) orientation programs shall be completed not later than the 30th day of employment;
 - B) orientation programs shall include the specific duties assigned to the employee, procedures for handling incidents and emergencies, and familiarization with existing staff backup and support systems;
 - 5) documentation of the participation of administrative, professional, and support staff in staff development and in-service training programs;
 - 6) documentation that staff development is under the direction of a designated professional staff member who may delegate responsibility for any part of the staff development activities;
 - 7) documentation that staff development activities include opportunities to participate in education programs outside the facility, such as workshops, institutes, formal continuing education courses, and local and national certification;
 - 8) documentation that the facility has written personnel procedures approved by the owner(s) or the authorized program representative.

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED AMENDMENTS

- f) Personnel procedures shall apply to all full and part-time employees and shall include:
- 1) procedures for recruiting, selecting, promoting and terminating staff;
 - 2) procedures for verifying applicant or employee information;
 - 3) procedures for protecting the privacy of personnel records;
 - 4) procedures for performance appraisals, and review and update of job descriptions for all positions in the facility;
 - 5) procedures for disciplinary action, including suspension and termination;
 - 6) procedures for employee grievances;
 - 7) procedures for on the job accident and/or injury, including handling of emergencies;
 - 8) relationships with employee organizations;
 - 9) procedures for handling instances of (suspected or confirmed) client abuse and/or neglect by staff, whether paid or volunteer;
 - 10) procedures for handling instances of (suspected or confirmed) alcohol and other drug use and abuse by staff;
 - 11) hiring professional staff with a felony conviction or subsequent incarceration within the two years prior to employment. Request for exception to this requirement must be made in writing to the Department indicating the individual concerned, the job designation, and skills offered. Such exceptions are to be signed by the owner(s), the governing body designee, or the authorized program representative;
 - 12) documentation that the personnel procedures, and any changes in procedures, have been distributed to employees and are available on request;
 - 13) documentation of the name, address, and telephone number of the employee, the employee's social security number; name, address, and phone number of next of kin; resume and evidence of qualifications, documentation of training and continuing education received while employed by the facility, professional certification, current licensing and/or registration, if applicable, dates of employment and separation from the facility; and,
 - 14) a requirement that professional staff shall be at least eighteen (18) years of age.
 - 15) Documentation of background checks through the Department of Children and Family Services to determine that an employee in an adolescent residential facility has-not-been-convicted-of offenses-against-children has not been the perpetrator in an indicated child abuse or neglect report, as authorized by Section 11.1 of the Abused and Neglected Child Reporting Act (Ill. Rev. Stat. 1987, ch. 23, par. 2061.1).

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED AMENDMENTS

- g) There shall be documentation that all personnel procedures have been reviewed and approved at least once each year by the owner(s) or the governing body, and dated when reviewed or revised.
- h) A staff member shall be assigned to coordinate the volunteer services program, if volunteers are used in the facility. The volunteer coordinator shall provide an orientation to:
- 1) the facility's plan for professional services;
 - 2) the responsibility for maintaining client confidentiality;
 - 3) procedures for responding to unusual events and incidents; and
 - 4) assignment of each volunteer to specific duties.
- i) Exceptions to subsections 2058.306(d), (e), (f), (g), and (h) may be requested where the facility is part of a larger organization and these procedures and requirements are maintained for the larger organizational entity.
- j) Compliance date for this Section - July 1, 1989.
- (Source: Amended at 14 Ill. Reg. _____, effective _____)
- Section 2058.309 Quality Assurance System
- a) The facility shall establish and maintain a quality assurance system which contains the following components:
- 1) a facility and program evaluation which measures the facility's performance against the criteria set by the facility in the plan for professional services;
 - 2) a utilization review system which analyzes the facility's policies and practices in admissions, readmissions, length of stay, and criteria for denying admission; and
 - 3) requirements for periodic client care monitoring meetings which examine selected individual client care and services provided in accordance with subsection (i).
- b) The facility and program evaluation shall measure the levels and types of services delivered and the performance of the facility against the established plan for professional services and shall be completed for the following required services:
- 1) intake services;
 - 2) assessment services;
 - 3) treatment planning;
 - 4) counseling services;
 - 5) discharge planning;
 - 6) emergency services; and

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED AMENDMENTS

- 7) referral or consultation services.
- c) If any of the services listed below are included in the facility's plan for professional services, the facility evaluation shall also include:
- 1) rehabilitation services;
 - 2) medication dispensary services; and
 - 3) food services.
- d) The facility and program evaluation shall be completed annually and its findings incorporated as part of the factual basis for the subsequent year's plan for professional services (See subsection 2058.306(c)).
- e) The facility shall designate the individual(s) responsible for completing the facility and program evaluation.
Compliance date for the facility evaluation - July 1, 1990.
- f) The utilization review system shall include reviewing the facility policies listed below, testing a sample of cases to measure that these policies are carried out in actual practice in the facility, and making recommendations for changes in the following:
- 1) client admission criteria;
 - 2) length of stay norms and variances;
 - 3) exclusionary admission criteria;
 - 4) referral procedures for persons denied admission;
 - 5) readmission criteria; and
 - 6) discharge criteria.
- g) The activities and procedures used in the facility's utilization review system shall also include the following requirements:
- 1) a delineation of the staff participating in the utilization review system (the utilization review committee);
 - 2) conflict of interest policies which preclude professional staff from reviewing their own cases;
 - 3) assurance of client confidentiality and privacy;
 - 4) requirement that notice of all admissions be sent to the utilization review committee;
 - 5) specifications of the sampling methodology to be used in selecting cases for review by the utilization review committee, assuring a minimum sample of 15% of all persons seeking admission; and
 - 6) issuance of a report of findings of the utilization review committee at least once every six months which is available to all professional staff.

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED AMENDMENTS

- 7) Compliance date for utilization review activities - July 1, 1990.
- h) The facility shall conduct client care monitoring meetings which include the review of a sample of treatment and other services provided and which include a review of the following:
- 1) unresolved diagnoses;
 - 2) unimproved clients;
 - 3) treatment failures and complications in treatment;
 - 4) use of special treatment procedures;
 - 5) use of experimental or investigational drugs;
 - 6) medication usage; and
 - 7) client care incidents or emergencies.
- i) The facility shall maintain written requirements for client care monitoring meetings which include:
- 1) a requirement that such meetings are held at least quarterly;
 - 2) the sampling method for selecting cases for review assuring at least a 15% sample of cases;
 - 3) the participants in the meeting; and
 - 4) records documenting the results of the meeting.
- j) Client care monitoring meetings shall not include information concerning or a review of any Human Immunodeficiency Virus (HIV) and/or AIDS related services provided to any identified client, except that participation in risk reduction education and/or other HIV or AIDS related education provided to all clients may be reviewed.
- k) Client care monitoring meetings may be held in conjunction with treatment plan reviews, if the treatment plan review includes participation of more than one professional staff member. Compliance date for client care monitoring activities - July 1, 1989.
- (Source: Amended at 14 Ill. Reg. _____, effective _____)
- Section 2058.312 Client Rights
- a) Each facility shall have a written statement which describes the following rights of clients admitted for treatment:
- 1) access to treatment will not be denied on the basis of race, religion, or ethnicity. For facilities receiving federal or State support or assistance in any form, this statement shall also include handicapping conditions;

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED AMENDMENTS

- 2) all treatment services offered in the facility will be available regardless of the source(s) of financial support;
- 3) treatment will be provided in the least restrictive environment;
- 4) each client will have and, on request will have access to, a current individual treatment plan;
- 5) the confidentiality of clinical records is protected by federal and state statutes as well as by program policy;
- 6) the client has a right to refuse treatment or any specific treatment procedure and a right to be informed of the consequences resulting from a refusal of treatment or of a treatment procedure; and
- 7) a description of the route of appeal available when a client disagrees with a facility's decision, policies, or procedures; and
- 8) the rights regarding confidentiality of HIV/AIDS status and testing as set forth in Section 2058.319.

b) Residential facilities may impose restrictions on the privacy, movement, or communications of individual clients or a group of clients within the limitations set forth below:

- 1) When a restriction(s) of privacy, movement, or communication is imposed on an individual, and is not imposed on all clients in a group of persons to which the client belongs (e.g. new admissions), the following procedures shall apply:
 - A) the client shall be informed of this restriction(s);
 - B) the restriction(s) shall be noted in the individual client record, and the reasons for the restriction(s).
 - C) the restriction(s) shall be reviewed and so noted in the client's record by a supervisory professional staff member at least every three days.
 - D) the client shall be informed of his/her right to an explanation of the restriction(s) and her/his right and route of appeal.
- 2) When a restriction(s) of privacy, movement, or communication is imposed upon all clients or a group of clients:
 - A) the restriction shall be included in the facility's written procedures; and
 - B) the description of the restriction(s) shall include a reason for the policy or procedure.

c) A written copy of the statement which describes the rights of the client shall be given to each client at intake. The client will attest by signature that she/he has received a copy of the statement of client rights.

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED AMENDMENTS

- d) The statement of client rights shall be posted in an area(s) accessible to clients at all times when services are being offered.
- e) The client shall be informed of all elements in the statement of client rights in a language which she/he understands.
- f) When medications are prescribed, the statement shall state that the client has the right, to the extent permitted by law, to refuse specific medications.

(Source: Amended at 14 Ill. Reg. _____, effective _____)

Section 2058.315 Client Records

- a) The facility shall maintain a written client record on each client.
 - 1) All client records shall be protected by a security system, either in locked cabinets for hard copy records or in computer records where access is limited.
 - 2) All entries in the client record shall be signed and dated.
 - 3) Records maintained on computer systems shall qualify as written records. However, records requiring signature must be maintained in hard copy.
 - 4) Client records on computer database shall have a back-up system to safeguard the records in the event of operator or equipment failure.
 - 5) Client records on a computer database must include a record of entry into the database and the name of the person making the entry.
 - 6) Client records on computer database must be secure from inadvertent or unauthorized access.
- b) The client record shall document the client's intake, assessment, counseling, progress notes, other services provided by the facility, and/or discharge summary.
- c) The client record shall document all services performed at intake including:
 - 1) documentation that the client has had benefit of full disclosure on levels and types of available services as outlined in Section 2058.312.
 - 2) documentation that the client and the client's family have been informed of their rights.
 - A) In family treatment, the client record shall contain documentation that all treatment participants are informed of their rights.

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED AMENDMENTS

- B) If a separate record is established on family member(s) of the client in treatment, this record shall contain the same information required of treatment clients.
- 3) The client record shall contain documentation of the consent of the client, or, if family members will participate in treatment, family members, or guardians for admission, treatment, evaluation, aftercare, or research.
- 4) The client record shall contain identifying data recorded on facility-standardized form(s) which include the following:
- A) name;
 - B) home address;
 - C) home telephone number;
 - D) date of birth;
 - E) sex;
 - F) race or ethnic origin;
 - G) handicapping conditions;
 - H) information on persons to be notified in the event of an emergency;
 - I) education;
 - J) religion;
 - K) marital status;
 - L) type and place of employment;
 - M) date of admission to the facility;
 - N) legal status, such as charges and convictions;
 - O) date the information was gathered; and
 - P) signature of the staff member gathering the information.

- d) The client record shall provide documentation of services performed at assessment.

- 1) The client record shall contain documentation of any medical or psychological diagnosis(es) and other client assessment findings; and
- 2) the record shall contain reports of laboratory and/or other diagnostic procedures and reports of medical services when performed.

- e) The client record shall provide documentation of services performed in treatment planning.

- f) Treatment plans shall be signed and dated by the client.

- g) The client record shall provide documentation of services performed in treatment.

- 1) The client record shall contain reports of all medical services.

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED AMENDMENTS

- 2) The client record shall provide progress notes for the review and evaluation of the treatment provided to the client including individual, group, or family therapy and any rehabilitation services provided.
- 3) The client record shall document the results of the treatment plan review.
- 4) The client record shall contain correspondence concerning the client's treatment and signed and dated notations of telephone calls concerning the client's treatment.
- h) The client record shall document services performed at discharge.
- 1) A discharge summary shall be entered in the client record by the professional staff person assigned to maintain the treatment plan within 15 days following discharge.
 - 2) The client record shall contain a notation of the reason for discharge and a plan for aftercare, unless the client left the facility prior to developing such a plan.
 - 3) If a client dies, a summation statement describing the circumstances leading to death shall be entered in the record in the form of a discharge summary.
- i) The client record shall document unexpected events, regardless of when they occur in the course of treatment including:
- 1) treatment complications;
 - 2) accidents or injuries to the client;
 - 3) illness; and
 - 4) procedures that place the client at risk of bodily harm or cause severe pain.
- j) The client records shall be maintained, controlled, and supervised by a designated staff member.
- 1) In addition, the facility shall secure the consultative assistance of a registered record administrator or an accredited records technician who has successfully completed the examination requirements of the American Medical Records Association or is an administrator with the documented equivalents in education, training, and experience at least annually to review the client record system and to assure that the data and format of the client records meet the requirements of the annual services plan and the quality assurance system. A small facility may request an exception from this requirement. An exception may be granted if the Director finds, pursuant to evidence presented, that there will be undue hardship if complied with. Compliance date - July 1, 1990.

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED AMENDMENTS

- 2) Client records shall be kept in the facility where the client is being treated and shall be directly accessible to the professional staff providing services to the client except that information which identifies the Human Immunodeficiency Virus (HIV) status of the client must be maintained in a separate, secured record which is accessible to the facility pursuant to Section 9 of the AIDS Confidentiality Act (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 7309).
- 3) Data in the client record shall be used in training, research, the plan for professional services and quality assurance systems, provided that such data is collected in accordance with confidentiality guidelines.

(Source: Amended at 14 Ill. Reg. _____, effective _____)

Section 2058.318 Confidentiality - Alcohol and Drug Abuse Patient Information

- a) The organization licensee shall have written policies and procedures controlling access to records and information which is governed by which are in conformance with the Confidentiality of Alcohol and Drug Abuse Patient Records regulations (42 CFR 2 (1987)) of the Alcohol, Drug Abuse, and Mental Health Administration of the Public Health Service of the United States Department of Health and Human Services effective August 10, 1987, which is incorporated herein by reference, and Section 8-102 of the Illinois Alcoholism and Other Drug Dependency Act (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 6358.2). Said policies and procedures shall be consistent with said regulations and statutes. The licensee shall comply with said regulations and statutes.
- b) The contents of a record shall be disclosed to a law enforcement or prosecutorial agency to seek the assistance of such agency, or to report and prosecute the commission of a crime on the premises of the facility or against personnel of any such facility.
- b) This section shall not prohibit disclosure of information about:
- 1) a crime committed by a patient at the program, or a threat to commit such crime;
 - 2) disclosure of information about suspected child abuse or neglect, as allowed by, required by and consistent with state law;
 - 3) disclosure of a patient's own records to the patient, or as consented in writing by the patient;
 - 4) disclosure of information to medical personnel if necessary in a medical emergency.

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED AMENDMENTS

- 5) disclosure of information as authorized by an appropriate court order upon showing of good cause, after appropriate procedure and notice, and with appropriate safeguards against unauthorized disclosure contained in the order;
- 6) disclosure of information to qualified personnel for the purpose of conducting scientific research;
- 7) disclosure of information to qualified personnel who are authorized by law or who provide financial assistance for the purpose of conducting audit or evaluation activity (programmatic review or evaluation, quality review, financial or management audits, etc.); and
- 8) any other disclosure not precluded by the regulations and statute cited in subsection (a) above, nor by any other applicable law.

provided that any and all of the above disclosure is done consistent with said regulations and laws, is made only to the extent allowed, for the purposes allowed and that appropriate safeguards as required are provided.

- c) The facility licensee shall provide continuing training for all staff and specific orientation for all new personnel in the principles of confidentiality and privacy, and shall document such training.
- d) The facility licensee shall maintain files, records and information which are subject to the laws and rules cited in subsection (a) above, in a secure room, locked file cabinet, safe or other similar container when not in use. Provide locked and secured rooms or files for client records.
- e) When a facility licensee stores client data in electronic or other types of automated information systems, security measures shall prevent inadvertent or unauthorized access to such data.
- f) Records, which are to be disposed of, shall be burned or deleted from electronic or automated systems or shredded to assure the confidentiality of client information.
- g) No record referred to in subsection (a) of this Section may be used, obtained by judicial process or otherwise, or admitted into evidence in any proceeding in order to initiate or sustain investigation of a client, the prohibitions of this paragraph shall not be subject to waiver by any persons.
- g) Except as authorized by an appropriate court order granted pursuant to the regulations and statute in subsection (a) above, no record

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED AMENDMENTS

referred to by said laws may be used to initiate or substantiate any charges against a patient or to conduct any investigation of a patient.

- h) The prohibitions of this Section apply to records concerning any individual who has been a client, regardless of whether or when he/she ceases to be a client.

i) A written notice from the Department or its designated agents, officers, and investigators shall be furnished to the facility for client-identifying information to be retained by the Department. The statement shall set forth the following:

- 1) the description of information obtained;
- 2) the name and title of the individual obtaining the information; and
- 3) the purpose for which client information is obtained.

j) When the Department requests records or information which is subject to the regulations and statute in subsection (a) above for audit, evaluation, research or other authorized purpose from a program which is subject to licensure herein, it shall:

- 1) indicate the purpose for obtaining the information,
- 2) agree in writing to maintain the information in accordance with security requirements of said laws,
- 3) agree in writing to comply with limitations on disclosure in said laws,
- 4) agree in writing to destroy all the information upon completion of its use, and
- 5) indicate the authorized personnel to whom such information is to be submitted.

k) The Department shall furnish the facility a written statement upon final disposition of the record, indicating Department compliance with this Section:

- 1) After the purpose of retaining a record identifying a client has been served, that record and all copies shall be either destroyed, sent back to the facility, or retained no more than two years after the record was acquired by the Department, whichever is earlier;
- 2) Where the record is needed in connection with formal legal proceedings against the facility commenced or to be commenced, the record may be retained until the termination of the proceedings;

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED AMENDMENTS

(Source: Amended at 14 Ill. Reg. _____, effective _____)

Section 2058.319 Confidentiality - HIV Antibody and/or AIDS Status

a) The licensee shall have written policies and procedures controlling access to records and information governed by the AIDS Confidentiality Act (Ill. Rev. Stat. 1987, ch. 111 1/2, pars 7301 et seq.) (AIDS Confidentiality Act), and the AIDS Confidentiality and Testing Code (77 Ill. Adm. Code 697.10) (AIDS Code).

b) The confidentiality of the following information is protected by the AIDS Act and AIDS Code:

- 1) a request for and/or signed consent to do HIV antibody testing;
- 2) an individual's HIV antibody or AIDS status;
- 3) the fact that an individual has been tested for HIV antibodies, and/or the result of an HIV antibody test, whether negative, positive or inclusive; and/or
- 4) participation in pre-test and/or post-test counseling.

This Section shall not apply to HIV and/or AIDS risk reduction education and/or counseling, or other HIV and/or AIDS education which is provided to all clients and which does not identify any individual's risk of HIV infection and/or any individual's HIV status or AIDS status, and which does not involve HIV antibody test requests and/or HIV antibody pre-test and/or post-test counseling.

c) When dealing with information governed by the AIDS Confidentiality Act and AIDS Code, this Section shall control, notwithstanding any other provisions of this Part to the contrary.

d) The licensee shall provide continuing training for all staff (at least annually) and specific orientation for all new personnel within 30 days of employment, in the principles of confidentiality and privacy in this Section, and shall document such training.

e) An HIV antibody or AIDS test cannot be required as a condition of treatment, and, an individual cannot be required to sign an authorization for release of information concerning his/her HIV antibody test or HIV or AIDS status as a condition of treatment.

f) An individual is not required to tell program staff, the executive director and/or the medical director, or anyone else, whether

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED AMENDMENTS

he/she has been tested for HIV antibodies, and/or the result of any such test.

- g) An individual who wishes to be tested for HIV antibodies must be informed that he may undergo testing on an anonymous basis.
- h) No information governed by the AIDS Confidentiality Act and the AIDS Code shall be released by a licensee, or by any member of its staff, to other staff members, including but not limited to the licensee's executive director, and/or to the licensee's medical director, and/or to any other person or entity, unless and until the individual in question has signed a legally effective release of information form, in accordance with the statute and rule, or unless such disclosure is otherwise authorized by statute and rule. Release of information which is allowed by consent or by statute and rule, shall be done only to the extent provided therein.

- i) Records which document an individual's risk for HIV infection, and/or which identify an individual as having requested an HIV antibody test, and/or as having undergone such a test, and/or which identify an individual's HIV status or AIDS status, shall be maintained in the same manner as required for records which identify the HIV status of a client, as set forth in Section 2058.315 (j)(2) of this Part.

(Source: Amended at 14 Ill. Reg. _____, effective _____)

Section 2058.321 Medical Responsibility

a) Medical Director

- 1) The facility shall designate a medical director who is licensed in Illinois to practice medicine in all its branches. The medical director may be part-time or serve on a consulting basis.
- 2) The medical director shall:
 - A) oversee all medical standards and procedures in the program including those for medical history, medical assessment, physical examinations, medical referrals, and medication of clients; and
 - B) prescribe procedures to manage medical and psychiatric emergencies.
- 3) Compliance date for subsection 2058.321(a) - July 1, 1989.

b) Medical Services

Each facility shall develop medical procedures which include the following:

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED AMENDMENTS

1) Admission Procedures

- A) Within 24 hours of admission a medical history will be completed by staff as authorized by the medical director.
- B) Where specified in the medical-history-procedures-approved-by-the-medical-director, if the initial medical history is not taken by a physician, within 72 hours of admission a physician will review the medical history of the client such cases by phone or in person and determine whether a physical examination is necessary. In residential facilities a physical examination shall be done unless the client provides documentation of an examination done within seven days prior to admission, sufficient under the protocols of the medical director, and the protocols so allow. Social setting detoxification facilities and small facilities which provide outpatient services, may request exemption, exception from this 72 hour deadline requirement, provided however, that each client will be offered a referral for a physical examination and the medical director requests such an exemption exception. The exception request shall document referral protocol established by the medical director.
 - C) If the examining physician deems it necessary, laboratory exams will be completed by the facility or through referral.
 - D) The medical director or other facility physician shall review every medical history and medical assessment within one (1) week in residential facilities for those clients who remain in the facility and who are not receiving medication; within two (2) weeks in outpatient facilities for those clients who are not receiving medication; within 72 hours in residential and outpatient facilities where medication has been prescribed and has been verified by phone with the prescribing physician. A client shall be referred for medical, surgical, or psychiatric treatment as determined necessary by the medical director or other facility physician. Compliance date for subsection 2058.321(b) - July 1, 1989.
 - E) A formal written agreement shall exist between a licensed hospital(s) or medical center(s) in a program and for the provision of emergency medical services for clients.

c) Nursing Services

- 1) The facility's plan for professional services : provide for the availability of professional nursing services to clients who require such services.

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED AMENDMENTS

- 2) When nursing services are provided, a registered nurse plans, assigns, supervises, and evaluates nursing care (Compliance date for subsection 2058.321(c)) - July 1, 1989.

(Source: Amended at 14 Ill. Reg. _____, effective _____)

Section 2058.327 Intake

- a) The facility shall have intake services which include screening and orientation activities.

- b) Written policies and procedures governing the intake process shall include the following:

- 1) the criteria for admission to the facility;
 - 2) the screening procedures for all applicants for admission;
 - 3) the procedures for client orientation to the program;
 - 4) the information to be obtained on all applicants for admission;
 - 5) the records to be kept on all applicants for admission including data needed to accommodate clients with handicapping conditions;
 - 6) the procedures to be followed including alternative referrals, when an applicant is found ineligible for admission; and
 - 7) the statistical data to be obtained during the intake process.
- c) Criteria for determining the eligibility of individuals for admission shall be stated in writing and available to all applicants or referrals for admission.

- d) Acceptance of a client for treatment shall be based on screening activities that result in the following conclusions (for residential clients the screening and conclusions must be completed within 72 hours of the client's initial arrival at the facility):

- 1) the treatment required by the client is appropriate to the intensity and restrictions of care provided by the facility or program component;
- 2) the treatment required can be appropriately provided by the facility; and
- 3) the alternatives for less intensive and restrictive treatment are not available.

- e) Client orientation activities shall include the following:

- 1) a description of client rights as required in Section 2058.322;

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED AMENDMENTS

- 2) the nature and goals of the treatment program as well as procedures, and treatment that he/she will receive;
- 3) an introduction to the professional staff member(s) who serves as the primary contact with the facility for the client;
- 4) the hours during which services are available;
- 5) the risks, side effects, and benefits of all medications and treatment procedures used, especially those that are experimental;
- 6) the alternative treatment procedures that are available in the facility;
- 7) the cost, itemized when possible, of services to be rendered;
- 8) any limitations placed on duration of services;
- 9) the rules and regulations of the facility applicable to the client's conduct; and
- 10) the discharge plan.

- f) A written, dated, and signed informed consent form shall be obtained from the client, or the client's legal guardian, for use or performance of the following activities. Such consent shall be obtained from family members who also participate.

- 1) experimental medications;
- 2) hazardous on experimental assessment procedures;
- 3) recording on audiovisual equipment;
- 4) participation of the client in research projects; or
- 5) testing for Human Immunodeficiency Virus (HIV).

- g) The intake procedure shall include an initial assessment of the client and shall be performed by professional staff.

- h) Sufficient information shall be collected during the intake process to develop a preliminary treatment plan.

(Source: Amended at 14 Ill. Reg. _____, effective _____)

Section 2058.330 Assessment

- a) The facility or program shall be responsible for conducting a complete clinical assessment of each client.

- 1) The assessment shall include an examination of physical, emotional and behavioral, social, and, when the facility provides such services, recreational, legal, vocational, and nutritional client needs. Assessment shall be completed within 15 days of the client's admission to the facility. (Compliance date - July 1, 1989).

- 2) The facility shall have written assessment protocols which establish minimum routine physical health assessment

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED AMENDMENTS

procedures, and routine laboratory procedures. In establishing the necessity for and extent of routine admission and laboratory studies, cost benefit factors shall be considered.

- 3) Consideration of an individual client's needs shall include a determination of the type and extent of any special examinations, tests, or evaluations necessary for a complete assessment. Where special examinations, tests, or evaluations are necessary these services shall be provided by the facility or through referral.

- b) The facility shall have a written procedure approved by the medical director concerning physical examinations.

- 1) The steps employed in determining the need for a physical examination shall include the following:

- A) reviewing when the client was last treated by a physician and when a physical examination was last performed;
- B) determining whether the client is aware of the presence of any medical problem; and
- C) determining what, if any, medication the client is taking.

- 2) A physician shall make the final determination concerning the necessity for a physical examination in accordance with the requirements specified in subsection 2058.321(b)(1)(B).

- 3) If a physical examination or laboratory test(s) is determined to be necessary, the results of the examination or test(s) shall be documented in the client record and there shall be documentation to verify that the examination or test(s) is obtained during the client's present course of treatment, either directly by the facility or through referral.

- c) If a client is pregnant, or states that she believes that she may be pregnant, referral for appropriate services shall be arranged and shall be documented in the client's record.

- d) Facilities shall document that a decision concerning the need to perform a physical examination or laboratory test(s) was made prior to finalizing each client's treatment plan.

- e) A physical health assessment shall be completed within 72 hours after admission and shall include the following:

- 1) a medical history;
- 2) an alcohol and drug history; and
- 3) a determination of a client's risk for Human-Immunodeficiency Virus-(HIV) infection. If any documentation or record of a client's risk for HIV infection is maintained, it shall be

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED AMENDMENTS

treated as strictly confidential and be maintained pursuant to Section 2058.319.

- 4) Compliance date of subsection 2058.330(e)(3) - July 1, 1989.

- f) In residential facilities serving adolescents, the physical health assessment shall include the above cited minimums and evaluations of the following:

- 1) motor development and functioning;
- 2) speech, hearing, and language functioning; and
- 3) visual functioning.
- 4) Compliance date for all standards within subsection 2058.330(f) - July 1, 1989.

- g) The facility shall have a written plan designed to assure the provision of necessary physical examinations and laboratory test(s) when such services are not directly provided by the facility.

- h) An emotional and behavioral assessment of each client shall be completed and entered in the client record.

- 1) The emotional and behavioral assessment includes the following:

- A) an assessment procedure for the early detection of mental health problems that are life-threatening, are indicative of severe personality disorganization or deterioration, or may seriously affect the treatment or rehabilitation process;
 - B) a history of previous emotional or behavioral problems and treatment;
 - C) the client's current emotional and behavioral functioning; and
 - D) a history of prior treatment for alcoholism or other drug dependency or abuse.
- 2) Written assessment protocols shall establish criteria for direct psychiatric examination, psychological assessments and other functional evaluations of language, self-care, social, affective, and visual-motor functioning, if included in the facility's plan for professional services.
 - 3) In facilities serving adolescents, the emotional and behavioral assessment shall include evaluation of the developmental age factors of the client.
 - 4) In facilities serving the severely and chronically disabled, the emotional and behavioral assessment shall include identification of the range of community resources currently utilized by the client.

NOTICE OF PROPOSED AMENDMENTS

- i) A social assessment of each client shall be completed and shall include information on the following:

- 1) environment and home;
- 2) religion;
- 3) childhood history;
- 4) military service history;
- 5) financial status;
- 6) the social, peer group, and environmental setting from which the client comes;
- 7) the client's family circumstances, including the constellation of the family group; the current living situation; and social, ethnic, cultural, emotional, and health factors, including drug and alcohol use in the family or usual living situation; and
- 8) a determination of the need for participation of family members or significant others in the client's treatment.
- 9) Compliance date for all standards within subsection 2058.330(i) - July 1, 1989.

- j) A legal assessment of the client shall be completed including information on pending criminal charges or conditions of probation or parole.

- k) If a vocational or educational assessment of the client is undertaken, the assessment shall include the following:

- 1) vocational history; and
- 2) educational history, including academic and vocational training.
- 3) Compliance date for all standards within subsection 2056.330(k) - July 1, 1989.

(Source: Amended at 14 Ill. Reg. _____, effective _____)

Section 2058.333 Treatment Plans

- a) For each client there shall be a written, individualized treatment plan that is based on an assessment of the client's clinical needs and functional strengths and limitations. Such plans shall be signed and dated by a member of the professional staff.
- b) Development and implementation of the treatment plan shall be assigned to a member of the professional staff.
- c) The treatment plan shall be developed as clinical information becomes available. The initial treatment plan shall be formulated

NOTICE OF PROPOSED AMENDMENTS

within fifteen (15) days of admission. Therapeutic efforts may begin before a fully developed treatment plan is finalized.

- d) Provision shall be made for periodic assessment by the assigned primary professional staff person of the treatment plan and for revisions of the individualized treatment plan based on changes in the client's condition. The treatment plan shall be reviewed at key-points-in during each client's treatment course. These decision-points review times include:

- 1) the time of admission, transfer, and discharge;
- 2) a change in the level of client functioning such as, but not limited to, when treatment plan objectives are met or new problems or needs are identified;
- 3) the end of the estimated length of treatment and thereafter on the revised estimate of additional length of treatment;
- 4) every ten (10) counseling contact visits or every three (3) months of outpatient care, whichever comes first; or
- 5) every thirty (30) days of residential care.

- e) The treatment plan shall include referrals for needed services that are not provided directly by the facility.

- f) The treatment plan shall contain specific objectives that relate to goals for the client, are written in measurable terms, and include expected achievement dates within the time frame of the client's participation in the program. The treatment plan shall include AIDS risk reduction counseling and education services.

- g) The treatment plan shall describe the services, activities, referrals, and consultations planned for the client and shall specify the staff member(s) assigned to work with the client.

- h) The treatment plan shall specify the frequency of treatment activities and services.

- i) The treatment plan shall delineate the specific criteria to be met for termination of treatment.

- j) The client shall participate in the development of his or her treatment plan, and such participation shall be documented in the client record and shall include the client's signature.

- k) A specific plan for involving the family or significant others shall be included in the treatment plan.

(Source: Amended at 14 Ill. Reg. _____, effective _____)

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED AMENDMENTS

Section 2058.336 Progress Notes

- a) Progress notes shall be entered in the client record and shall include the following:
- 1) documentation of implementation of the treatment plan;
 - 2) documentation of all counseling and other services rendered to the client;
 - 3) chronological documentation of the client's clinical course;
 - 4) descriptions of each change in each of the client's conditions; and
 - 5) descriptions of the response of the client to treatment(s), the outcome of treatment, and the response of significant others to events in the course of treatment.
- b) Progress notes shall be dated and signed in ink by the individual providing the service to the client and making the entry. Such notes shall be made by personnel identified by the program's plan for professional services to perform such services for the client.
- c) All entries involving subjective interpretation of the client's progress shall be supplemented with a description of the actual behavior observed.
- d) Efforts shall be made to secure written progress reports for clients receiving services from outside sources, i.e., written or documented telephone request. When available, client records from outside sources shall be included in the client record.
- e) Progress notes shall be used as the basis for reviewing treatment plans.
- f) The results of any case review which describes the client's progress toward stated goals and objectives shall be recorded.

(Source: Amended at 14 Ill. Reg. _____, effective _____)

Section 2058.342 Infection Control

- a) In all outpatient programs where staff collect urine or come in contact with body fluids, and in any outpatient program where the medical director determines that there is a need for such, and in all residential programs, a system shall be maintained for reporting, evaluating, and maintaining records of infectious diseases among clients and personnel and shall specify assignment of staff responsibility for ongoing collection and analysis of data as well as change in procedures. Data collected shall be reviewed at least once annually and the results of the review included in

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED AMENDMENTS

the facility's quality assurance system. Such system shall be in compliance with Section 2058.319 HIV confidentiality requirements.

- e)b) Infection control shall include procedures and requirements for handling body fluids and waste in accordance with guidelines issued by the U.S. Centers for Disease Control (See Section 2058--Appendix A Guidelines for Prevention of Transmission of Human Immunodeficiency Virus and Hepatitis B Virus to Health-Care and Public-Safety Workers. MMWR 1989; 38 (no. S-6), or as hereafter amended).
- b)c) All new employees in such programs shall be instructed in the importance of infection control and personal hygiene, and in their responsibilities in the infection control program, and in the guidelines in subsection (b) above within 30 days of employment. The facility shall maintain documentation that such in-service training has been provided to all employees within 30 days.

(Source: Amended at 14 Ill. Reg. _____, effective _____)

Section 2058.343 HIV Infection and AIDS Related Training

- a) Each licensee shall require that each and every member of its professional, administrative, dietary and/or food service, and custodial care staff, attend a course on the fundamentals of HIV infection and AIDS provided and/or approved by the Department within one year of the date that this Section of the Part is adopted. Thereafter, each such staff member shall attend at least one course each year on HIV infection and AIDS provided and/or approved by the Department.

- b) The personnel file of each such staff member shall contain documentation of compliance with this Section including the title, date(s) and location(s) of the training attended and the signature (with date) of the staff member who attended the training.

(Source: Amended at 14 Ill. Reg. _____, effective _____)

Section 2058.348 Food Services

- a) Facilities that provide 24-hour care, or that provide meals to clients, shall have a written plan for the provision of food services which describes either the organization of the food service and the delivery of food services or the arrangements for the provision of such services to clients.
- b) If food services are provided by an outside company, the contract between the facility and the company shall require the company to

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED AMENDMENTS

comply with the facility's written plan and with the standards required by this Section.

- c) In implementing the food service plan and procedures, the facility shall include the following:

- 1) delineation of the responsibilities and authority of the cook(s) and the food service staff;
- 2) the recording of special dietetic orders or the need for dietetic counseling in the client record;
- 3) standards for nutritional care in evaluating the nutritional adequacy of the client's diet and in ordering diet supplements;
- 4) procedures for altering diets or diet schedules as well as for discontinuing diets;
- 5) procedures for the forwarding of diet information of a client upon discharge or transfer to another facility when the diet was ordered by a facility physician;
- 6) requirements for ancillary food services, including food storage and preparation in kitchens or client units, vending operations, and ice making;
- 7) the maintenance of safe and sanitary conditions in the preparation and handling of food, the care and cleaning of equipment and work areas, and the washing of dishes; and
- 8) requirements for food purchasing, storage, preparation, and service.

- d) The nutritional aspects of client care shall be under the direction of the qualified dietitian or other person(s) who are supervised by the qualified dietitian.

- e) At least one qualified dietitian shall be employed on a full-time, part-time, or consultative basis.

- 1) The qualified dietitian shall be registered or eligible for registration by the Commission on Dietetic Registration or has the documented equivalent in education, training, and/or experience.
- 2) When a qualified dietitian is employed on a part-time or consultative basis, the dietitian shall devote time to:
 - A) direct the nutritional aspects of client care;
 - B) assure that dietetic instructions are carried out;
 - C) on occasion, supervise the serving of meals; and
 - D) assist in the evaluation of the food service.
- 3) When a qualified dietitian is employed on a consultative basis, written reports shall be submitted at least once each calendar quarter on the services provided by the dietitian.

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED AMENDMENTS

- f) Space, equipment, and supplies, as well as any necessary written procedures and precautions, shall be provided for the safe and sanitary operation of the food service and the safe and sanitary handling and distribution of food.

- 1) All walk-in refrigerators and freezers, whether or not they shall be used, shall be capable of being opened from the inside.
- 2) Hot and cold water pipes, water heaters, refrigerators, compressors, condensing units, and uncontrolled heat-producing equipment shall be insulated.
- 3) The role of the food service staff in the program's internal and external disaster plan shall be defined; (Compliance date - July 1, 1990).
- 4) All food supplies shall be stored in an area separate from that in which non-food supplies are stored. "Area" shall be construed to mean shelf or other space and not necessarily a room.
- 5) The health requirements for clients assigned to the food service for therapeutic or vocational purposes shall be the same as for food service employees, as set forth in 77 Illinois Administrative Code Part 750.
- 6) Plastic ware, china, glassware, or similar items that have lost their glaze or are chipped or cracked shall be discarded.
- 7) Dishwashing and utensil washing equipment and techniques that sanitize serviceware and prevent contamination shall be used.
- g) In residential facilities, unless medically contraindicated, between meal or bedtime snacks and beverages of nourishing quality, e.g. fruits and nuts, shall be available.

(Source: Amended at 14 Ill. Reg. _____, effective _____)

Section 2058.354 Referrals and Consultation

- a) The facility shall have written policies and procedures for referral of clients between the facility and other service providers in the community describing the conditions under which referrals can be made including;

- 1) requirement for obtaining written consent from the client for transfer of appropriate portions of the case record based upon the judgment of the clinical staff, and for reporting back to the referring program regarding treatment activities if such information is requested in conformance with confidentiality requirements specified in Section 2058.318 of this Part; the methods by which continuity of care is assured for the client, including:
- 2)

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED AMENDMENTS

- A) information on the reason for the referral;
 - B) information on the client's treatment (e.g., current treatment, diagnostic assessments, and special requirements);
 - C) services needed or requested;
 - D) request for continued coordination between the referring and the receiving resource; and
 - E) request for a follow-up report within a designated time period.
- 3) The written policies and procedures shall describe the mechanism by which a client may request a referral; (compliance date - July 1, 1990).
- b) The facility shall have letters of agreement or contracts with the community service providers it uses more than once each month.
- c) The facility shall have written policies and procedures for referral of clients between other services offered by the facility or the parent organization of the facility describing the conditions under which referrals can be made, including:
 - 1) requirement for obtaining written consent where needed to assure compliance with confidentiality provisions specified in Sections 2058.318 and 2058.319 of this Part;
 - 2) methods for transfer of client information necessary for the referral or consultation;
 - 3) requirements for a follow-up report within a designated time period; and
 - 4) the mechanism by which a client may request a referral.
 - 5) Compliance date for all standards under subsection 2058.354 (c) - July 1, 1989.

(Source: Amended at 14 Ill. Reg. _____, effective _____)

Section 2058.366 Toxicology

a) General

Any facility licensee under this Part which performs blood or urinalysis testing shall obtain licensing in accordance with the standards established by the Illinois Department of Public Health under the Illinois Clinical Laboratory Act (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 621-101 et seq., as amended), and the Illinois Clinical Laboratory Code. Further, it must obtain prior written approval from the Department before such operation. The Department, pursuant to interagency agreement with the Department of Public Health, shall determine facilities within their jurisdiction which are "designated agencies" for the purposes of

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED AMENDMENTS

the Illinois Clinical Laboratory Code Ethnicity Laboratories and Blood-Banks (77 Ill. Adm. Code 450).

b) Facilities that Dispense Methadone

- 1) Each licensed facility which dispenses or administers methadone and which subcontracts through the Department for toxicology testing services shall develop procedures for the collection, monitoring, storage, processing, screening, and frequency of testing urine specimens for toxicological analysis as specified by the Department.
 - 2) Screening of specimens under item (b)(1) above shall include the following tests:
 - A) opiates
 - B) methadone
 - C) amphetamines
 - D) benzoyllecgonine
 - E) barbiturates
 - F) benzodiazepines
 - G) phencyclidine (pcp)
 - H) marijuana
 - 3) The required frequency of specimen collection and testing for all other facilities using methadone as an adjunct to treatment shall be the same as those required by the U.S. Food and Drug Administration at 21 CFR 291 (1987).
- c) Designated Program
 - 1) The designated program which subcontracts through the Department for toxicology testing services shall develop procedures for the collection, monitoring, storage, processing, screening, and frequency of testing urine specimens for toxicological analysis as specified by the Department.
 - 2) Screening of specimens under item (c)(1) above shall include the following drugs:
 - A) opiates
 - B) methadone
 - C) amphetamines
 - D) benzoyllecgonine
 - E) barbiturates
 - F) benzodiazepines
 - G) phencyclidine (pcp)
 - H) marijuana
 - d) All Other Programs

All other licensed facilities which, through a Department subcontracting agreement, desire to provide toxicological testing of

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED AMENDMENTS

client urine specimens, even though testing is not required or mandatory, shall develop procedures for the collection, monitoring, storage, processing, screening, frequency of testing urine specimens, and listing of the type(s) of drugs screened as specified required by the Department.

e) Record-Keeping

Each licensee which provides toxicology testing under subcontract with the Department or as a designated agency, shall report statistics regarding such testing on forms or in a format as required by the Department, and within time frames as required by the Department.

(Source: Amended at 14 Ill. Reg. _____, effective _____)

SUBPART D: INTERVENTION

Section 2058.400 Identification Function

a) In accordance with Chapter 5 of the Unified Code of Corrections (Ill. Rev. Stat. 1987, ch. 38, par. 1005-1-1 et seq.) and Section 6-206.1 of the Illinois Driver Licensing Law (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-206.1), the Department is empowered to license professional evaluation programs which identify the nature and extent of the use of alcohol or other drugs by anyone arrested for driving while under the influence (DUI) of alcohol or other drugs.

b) In accordance with Section 10-101 of the Act (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 6360-1), the Department is empowered to authorize and license a designated program which to provide the service of identifying persons convicted of crimes and also having substance abuse problems as being eligible to elect treatment as an alternative to incarceration.

(Source: Amended at 14 Ill. Reg. _____, effective _____)

Section 2058.405 BUI-Evaluation Regulation

The Department has promulgated Rules for the licensing and regulation of DUI evaluation, DUI remedial education, and BASSET programs under 77 Ill. Adm. Code 2056. Programs subject to such licensure shall comply with Part 2056.

(Source: Amended at 14 Ill. Reg. _____, effective _____)

Section 2058.410 Designated Program

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED AMENDMENTS

- a) The Department shall designate a single organization to serve as the designated program pursuant to the requirements of Section 1-103 and Sections 10-101 through 10-103 of the Act.
- b) The authorized program representative of the designated program shall meet the requirements set forth in Section 2058.300.
- c) The advisory board(s) of the designated program shall meet the requirements set forth in Section 2058.303 and shall also include at least three (3) judges appointed by the chief judge of different circuit courts in geographically diverse areas of Illinois and a representative appointed by the Administrative Office of the Illinois Courts.

d) The designated program shall provide the services and activities set forth in subsections (e) through (m) in a uniform manner in all districts or circuits of the Illinois Courts, and shall assure that these services and activities are uniform throughout the State whether provided directly or by subcontract or referral. Each facility of the designated program shall enter into an inter-agency agreement with the chief judge of each circuit court receiving services from the facility concerning the operating procedures of the court in relation to such services.

e) The designated program shall establish and maintain a plan for professional services in accordance with the requirements set forth in Section 2058.306.

f) The designated program shall establish and maintain a quality assurance system in accordance with the requirements set forth in Section 2058.309.

g) The designated program shall maintain a system of client records which requires a record on each individual screened by the designated program, which includes:

- 1) identifying information as required in subsection 2058.315(c)(4) of this Part;
- 2) results and findings of the screening service including data collected in determining the results, written notification of the results to the client, and documentation of notification of the results to the court;
- 3) all correspondence and information related to the screening process for the client such as the criminal history, health records, and self-reported information from the client. When it has been determined that the client has a previous sentence to probation, the designated program shall contact the probation department, under whose supervision the client had been

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED AMENDMENTS

placed. If a release of confidential information has been obtained, the designated program shall request a statement from the probation department summarizing the Probation records on the client, including known history of alcohol or drug usage; the name(s) of any treatment agency to which the client was previously referred; and record of compliance with court-ordered conditions;

- 4) any court orders or records of judicial proceedings related to screening activities; and
- 5) any informed consent documents required for screening.

h) Client management services of the designated program shall include:

- 1) intake services required in Section 2058.33427;
- 2) written policies and procedures that state the objectives of the case management function including assisting the client in securing treatment, assisting the court in final dispositions, and assisting the treatment system in identifying special treatment needs;
- 3) written procedures defining recordkeeping requirements. The procedure shall provide for files containing documentation of each client's treatment experience, which must include:
 - A) case management notes which document a client's compliance with toxicology requirements as required by subsection 2058.366(c), court appearances and reports, and reports from treatment providers;
 - B) documentation that a treatment provider has accepted the criminal justice referral client;
 - C) written notification from the designated program to the courts and to the supervising probation department acknowledging a client's acceptance into treatment;
 - D) written reports from the treatment provider relating to the client's progress in treatment;
 - E) warning letters which are written communication to clients regarding a failure to meet program obligations;
 - F) jeopardy meeting reports which document official sanctions taken against clients who have received warning letters concerning failure to meet program obligations. The jeopardy meeting is attended by the client and at a minimum, the case manager from the designated program. Notice of the date, time and location of the jeopardy meeting shall be sent to the supervising probation department 72 hours in advance to enable the Probation Officer to attend;
 - G) case conference meeting reports which are documentation of meetings with the client to discuss such matters as verbal warnings, transfer, and discharge;

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED AMENDMENTS

- H) reports of criminal justice referral treatment progress which are monthly reports generated from the designated program to the court and to the Supervising probation department which describe a client's treatment status or progress in treatment;
- I) reports of criminal justice referral client discharge which are notices issued to the courts by the designated program which describe a client's successful or unsuccessful treatment and discharge. Verbal notice and status information on the client at the time of discharge shall be given to the supervising probation department within 24 hours of the time of discharge, excluding Saturday, Sunday and court holidays. Written reports of successful discharge will contain the following: client's intended residency if known; summary of treatment progress; and recommendations for further treatment. These reports shall be sent to the supervising probation department and court within ten (10) days of discharge. Reports of unsuccessful discharge will be sent within three (3) days and shall contain the following: client's intended residency, if known; instructions given for continued contact with the designated program and supervising probation department; and specific reasons for the unsuccessful discharge;
- J) consent to release information forms;
- K) court orders which include documentation remanding a client for assessment and other documents relating to the terms of probation;
- L) written request/response for parole or probation consent which is the statutorily mandated consent of the Parole or probation department as set forth in Section 10-101(e) of the Act to divert a client to the designated program, if the client is on parole or probation;
- M) general correspondence from criminal justice system personnel;
- N) documentation to the courts regarding the designated program's findings in the initial assessment of a client. These findings shall be provided to the probation department when a pre-sentence investigation is being conducted on the client, unless otherwise ordered by the Court;
- O) court and other transactions which are a systematic documentation of all client or court activities;
- P) the evaluation document which contains information collected by the designated program to determine the client's degree of substance abuse and the client's readiness for treatment;
- Q) client summary and referral information which is forwarded to treatment providers;

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED AMENDMENTS

- R) criminal justice referral client agreements which are documents signed by the client to consent voluntarily to treatment. These documents are updated if the consent expires while the client is in treatment;
- S) prior treatment information, including client records; and
- T) psychological evaluation reports.
- 4) The designated program shall secure and maintain mutual service agreements with all treatment facilities used for referral in order to accomplish accurate and thorough documentation of client treatment progress or lack of progress.
- 5) There shall be a written procedure defining client responsibilities and criteria for measuring treatment progress.
- 6) There shall be a written procedure defining methods for periodic client evaluation and intervention should a client fail to comply with treatment and interventions specified in the client's treatment plan.
- 7) There shall be a written procedure defining methods for uniform application of standardized case management services and policies in all judicial circuits and counties in Illinois.
- 8) There shall be an information system guaranteeing standardized collection, maintenance, and analysis of individual and aggregate client data. This information is used for operating a quality assurance system and for developing a plan for professional services.

i) Client Discharge

- 1) The designated program will maintain procedures defining the uniform application of a standardized system for client discharge in all judicial circuits and counties in Illinois, including communications with probation departments regarding discharge plans.
- 2) The designated program will review treatment progress reports or other written communication with the client's counselor to determine if the client's attendance record, urinalysis or breathalyzer results, or behavior have violated the designated program's criteria and that a change in the client's status with the treatment facility is justified.
- 3) The designated program shall have a written policy specifying the situations that may lead to a change in client status and the procedure to be followed when such a situation is reported.

j) Reporting Functions

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED AMENDMENTS

- 1) There shall be a written procedure for preparing and presenting written reports to the court and other appropriate criminal justice system officials regarding findings of assessment.
- 2) There shall be a written procedure for preparing and presenting written reports informing the court, the supervising probation department, and other criminal justice system officials as required by the court, of the client's initial or any subsequent placement in treatment. These reports will minimally include: the treatment facility or agency name, address and telephone number; the name of the counselor assigned to the case; the name, address and telephone number of the designated program personnel responsible for the case, and the date of placement in treatment.
- 3) There shall be a written procedure for preparing and presenting to the court and to the supervising probation department monthly evaluations of a client's treatment progress.
- 4) There shall be a written procedure for preparing and presenting to the court, the supervising probation department and other criminal justice system officials designated by the court, a written report of the objective facts of the client's treatment rehabilitation at client discharge. These procedures shall be reflective of subsection 2058.410(h)(3)(I).
- 5) There shall be a written procedure defining methods guaranteeing uniform application of standardized reporting services in all judicial circuits and counties in Illinois. Copies of these policies and procedures shall be made available to all courts and probation departments throughout the State.

k) Court Services

- 1) There shall be a written policy that clearly states the objectives of services provided to the court.
- 2) There shall be a written procedure for documenting all court appearances, including status and violation hearings, which must include a process for recording the decisions of the court and the required subsequent actions. The procedure must describe the activities to be performed before, during, and after the hearing, and designate the person or persons responsible for their execution.
- 3) There shall be a written policy concerning judicial requests to reassess discharged clients.
- 1) The designated program shall comply with the requirements for assuring the confidentiality of client information as set forth in 42 CFR 2 (1987) and as required in Sections 2058.318 and 2058.319 of this Part.

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED AMENDMENTS

- m) If the designated program conducts or participates in research projects involving human subjects, the designated program shall comply with the requirements set forth by the U.S. Department of Health and Human Services in 45 CFR 46 (1987).
- n) Toxicology services performed by the designated program shall comply with the requirements set forth in Sections 2058.366 (Toxicology), and 2058.342 (Infection Control), and 2058.343 (HIV Infection and AIDS Related Training) of this Part.

(Source: Amended at 14 Ill. Reg. _____, effective _____)

SUBPART F: PHYSICAL PLANT REQUIREMENTS

Section 2058.600 General - All Facilities

a) Life Safety

- 1) The National Fire Protection Association's (NFPA) Life Safety Code referred to throughout Subpart F refers to the Life Safety Code of 1981 for existing facilities as defined in Section 2058.105 and to the Life Safety Code of 1985 for new facilities as defined in Section 2058.105 and for the fire protection systems of existing facilities which modify or replace more than 50% of its fire detection, alarm or communication system.
- 2) Existing facilities which are licensed under this Part shall be in compliance with the National Fire Protection Association's (NFPA's) Life Safety Code of 1981 in accordance with the specific standards referenced under Section 2058.600 through Section 2058.625. Existing facilities which modify or replace more than 50% of its detection system, alarm system or communication system shall update all three systems to the NFPA's Life Safety Code of 1985.
- 3) New facilities which are licensed under this Part shall be in compliance with the Life Safety Code of 1985 of the NFPA in accordance with the specific standards referenced under Sections 2058.600 through Section 2058.625.
- 4) Each building of the facility shall be surveyed to determine compliance with occupancy standards of the Life Safety Code.
- 5) When the requirements of the standards or their equivalents are not met, a plan and timetable of conformance shall be instituted. In addition, the facility shall document and execute sustained, extraordinary, interim, life safety measures, such as intensified housekeeping and maintenance practices, the provision of additional fire-fighting equipment, and fire drills on all work shifts in excess of the requirements stated in this Subpart.

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED AMENDMENTS

- 6) A documented program of preventive maintenance and semi-annual inspection of all fire alarm systems shall be performed by private alarm contractors licensed under the Private Detective, Private Alarm, and Private Security Act of 1983.
- 7) A documented program of annual inspection or testing of automatic fire-extinguishing systems shall be performed by private alarm contractors licensed under the Private Detective, Private Alarm, and Private Security Act of 1983.
- 8) Any rooms occupied by 50 persons or more shall conform to the NFPA's Life Safety Code 1985, (Assembly Occupancies).
- 9) New construction shall provide access to handicapped individuals and shall be in compliance with the Illinois Accessibility Code of the Capital Development Board (71 Ill. Adm. Code 400).

b) Safety Devices and Practices

- 1) The facility shall have a written emergency preparedness plan designed to provide for the utilization of available resources so that services can be continued during a disaster and which identifies the role of the facility in a community-wide disaster.
- 2) An external emergency release mechanism shall be available for opening bathroom and toilet room doors that are lockable from the inside.
- 3) The facility shall have fire alarm systems which shall automatically transmit the alarm to any available municipal fire department by direct private line or through any approved central station when activated by any of the following: manual stations, detection systems, or flow alarms in the sprinkler system. Outpatient treatment facilities which can show impossibility in complying with this subsection may request an exception provided that automatic dialer systems are installed instead.
- 4) There shall be a telephone in the facility available in the case of an emergency. The telephone numbers of the fire department, the police department, and an emergency ambulance service shall be posted near the telephone.
- 5) Facilities that do not have emergency medical care shall have first-aid kits available on the premises and all supervisory staff shall be familiar with the locations, contents, and use of the first-aid kits.
- 6) With the exception of subsections (3),(4), and (5), compliance date for all standards under subsection 2058.600(b) - July 1, 1989.

c) Hazardous Materials and Wastes

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED AMENDMENTS

- 1) Space and facilities shall be provided for the storage and disposal of waste.
- 2) Compliance date for all standards under subsection 2058.600(c) - July 1, 1989.

d) Electrical Distribution

The facility shall have an electrical distribution system that is designed, installed, and maintained in a manner that provides electrical power for all required operations.

e) Lighting

- 1) All spaces occupied by people or machinery within a building, parking lots, and building approaches shall have lighting suitable to provide functional comfort and safety to clients, employees, and visitors.
- 2) Emergency lighting which is effective for two or more hours shall illuminate means of egress, examination rooms, and assembly areas.

- 3) Compliance date for all standards under subsection 2058.600(e) - July 1, 1990.

f) Plumbing

- 1) Domestic hot water shall be maintained at a temperature of 105 - 130 degrees Fahrenheit at tap with the exception of clearly posted dishwashing sources.
- 2) Drainage piping shall not be installed within the ceiling or in exposed locations in food preparation areas, food service areas, and food storage areas. Existing drainage pipes in these areas shall be protected by gutters.

g) Heating Ventilating and Air-Conditioning (HVAC)

- 1) Outside air shall be provided to each habitable room by a ventilation system or by operable windows.
- 2) Insect screens shall be provided for windows, vents, and exterior doors which may be left in an open position for ventilation.
- 3) Open faced, gas-fired heating devices, and space heaters are prohibited.
- 4) All inside rooms, including toilets, bathrooms, and other rooms in which excessive moisture, odors or contaminants originate, shall be provided with mechanical exhaust ventilation.

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED AMENDMENTS

- 5) With the exception of (4) above, compliance date for all standards under subsection 2058.600(g) - July 1, 1990.

h) General Services

- 1) A janitors' closets shall be provided on at each level facility, with a floor receptor or service sink and storage space for housekeeping equipment and supplies. A small facility may request an exception to this subsection (h)(1). An exception may be granted if the Director finds, based upon evidence presented, that the facility has sufficient provisions for janitorial requirements otherwise.
- 2) Equipment rooms for boilers, mechanical equipment and electrical equipment, and storage rooms for building maintenance supplies shall be provided.
- 3) Compliance date for all standards under subsection 2058.600(h) - July 1, 1990.

i) Therapeutic Environment

- 1) Rest rooms shall be available for clients and visitors and have paper towel dispensers and metal waste receptacles, roll towels or electric hand dryers.
- 2) Water fountains/coolers shall be provided.
- 3) All furnishings, equipment, and appliances shall be clean and maintained in good operating order.
- 4) Recreational facilities and equipment shall be consistent with clients' needs and the therapeutic program.
- 5) Areas for confidential counseling, administration, and public reception shall be provided.
- 6) A facility which dispenses or retains medication shall have a room which contains a sink, work counter, storage area for supplies, and equipment. This room shall have a minimum area of 80 square feet with at least one dimension of 10'-0". An existing facility may request an exception from the size requirement of this subsection (i)(6). An exception may be granted if the Director finds, based on evidence presented, that the facility has a medication room of a size adequate to deal with the client load storage and dispensing needs.
- 7) With the exception of subsection (2), compliance date for all standards under subsection 2058.600(i) - July 1, 1990.

(Source: Amended at 14 Ill. Reg. _____, effective _____)

Section 2058.705 Reports to Other Agencies

Licenseses will submit reports of incidents-involving-alleged-or-actual patient criminal activity at the program on-the-premises or against any

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED AMENDMENTS

person working for the program, or a threat to commit such crime, or employee criminal activity or threat thereof at the program to local law enforcement agencies immediately upon discovery. An accused perpetrator may not be identified as a client, and shall copy the Department on such reports. Such reporting shall be in compliance with 42 CFR 2 (1987).

(Source: Amended at 14 Ill. Reg. _____, effective _____)

Section 2058.805 Inspections

The Department shall conduct inspections of facilities to enforce compliance with the rules under this Part. Department inspections may be conducted on a random basis to survey facility compliance with this Part or in response to complaints, if the complaint sets forth charges that constitute grounds for sanction pursuant to the Act. Upon presentation of Department credentials, and consent of the person in charge of the premises, inspector(s) of the Department shall be permitted access to inspect all areas and records of the program. If consent is not given, then the Department shall seek access pursuant to Section 3-101 of the Act (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 6353-1).

(Source: Amended at 14 Ill. Reg. _____, effective _____)

SUBPART I: HEARINGS/SANCTIONS

Section 2058.900 Hearings

a) Applicability

- 1) This Subpart shall apply to all hearings conducted by the Department pursuant to Section 3-105 of the Act (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 6353-5).
- 2) In case of a conflict between the provisions of this Subpart and the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1987, ch. 127, pars. 1001 et seq.), the provisions of the Illinois Administrative Procedure Act shall apply.

b) Parties

The parties to a hearing are:

- 1) the Department; and,
- 2) the applicant or license holder who is afforded an opportunity for hearing and who requests a hearing in accordance with this Section of the Act.

c) Representation

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED AMENDMENTS

- 1) A Party may be represented by an attorney at law who is licensed to practice law in the State of Illinois and who has filed an appearance with the Department.
- 2) Each party to a proceeding shall inform the Department of the address to which notices or other documents should be directed, if different from the address per Department records.

d) Form of Papers

- 1) All papers filed in any proceeding shall be typewritten or printed on paper which does not exceed 8 1/2 by 11 inches, with margins not less than one (1) inch wide. Typing or printing shall be on one side of the paper only.
- 2) Pleadings shall contain the address of the party filing the pleading or the address of his attorney.
- 3) All pleadings or other papers filed with the Department shall be filed in triplicate.

e) Pleadings

- 1) The "Notice of an Opportunity for Hearing" shall contain:

- A) a statement of the nature of the hearing;
- B) a statement of the legal authority and jurisdiction under which the hearing is to be held;
- C) a reference to particular sections of the statutes and rules involved;
- D) a short and plain statement of the matters asserted; and
- E) a statement of the time and place that the hearing will be held if a timely request is made.

- 2) Unless a "Request for Hearing" is filed within thirty (30) days of the date of the "Notice of an Opportunity for Hearing," the hearing rights afforded under the Act shall be deemed waived.

- 3) A "Request for Hearing" shall be filed with the Director, either by personal service or by certified or registered mail. Upon receipt by the Director of a timely and properly filed request for hearing, the hearing will be scheduled to commence within thirty (30) days. "Notice of Hearing," which contains the information required by Section 10 of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1987, ch. 127, par. 1010), will be sent to the parties at least ten (10) days prior to the scheduled hearing date.

- 5) Pleadings may be amended at any time prior to hearing, and may be amended at any time thereafter unless the hearing officer determines that amendment of the pleadings would cause delay in disposing of the issues of the case.

f) Motions

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED AMENDMENTS

- 1) Motions, unless made during a hearing, shall be in writing, shall set forth the relief or order sought, and shall be served on all parties.
- 2) Responses to written motions shall be in writing, unless made during a hearing.
- 3) Motions and responses to motions shall be filed with the hearing officer.
- 4) Motions or responses to motions which allege facts not in the record must be accompanied by supporting affidavit.
- 5) Whenever a motion or a response to motion requests that relief be granted, specific authority must be cited under which the hearing officer is empowered to grant such relief.
- 6) Oral argument on motions shall be allowed only if the hearing officer deems it necessary to a fuller understanding of the issues presented.

g) Discovery

- 1) The Director or the hearing officer shall, upon request, cause depositions of material witnesses within the State to be taken in the manner prescribed by Supreme Court Rules 201-212 (Ill. Rev. Stat. 1987, ch. 110A, pars. 201-212), and to that end compel the attendance of witnesses and the production of books, papers, or memoranda.
- 2) All evidence which forms the basis of the Department's proposed action which would be adverse to any party other than the agency will be made a part of the record, and disclosed to the parties prior to the hearing.

h) Service

All required notices shall be served either by personal service or by certified or registered mail. The official address for service on the Department is 100 W. Randolph, Suite 5-600, Chicago, Illinois 60601.

i) Prehearing Conference

- 1) Prior to commencement of the hearing, the hearing officer shall conduct a prehearing conference. The purpose of the conference is:
 - A) identification of contested issues;
 - B) the exchange of evidence to be presented in written form;
 - C) identification of issues which may be resolved by stipulation; and
 - D) consideration of any other matter which may aid in the efficient disposition of the case.

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED AMENDMENTS

- 2) Either party may elect to have a court reporter present during the prehearing conference. If no reporter is present, a written memorandum summarizing the discussions shall be prepared by the hearing officer and made a part of the official record of the case.

j) Conduct of Hearing

- 1) A full and complete record shall be kept by the Department. It shall include:
 - A) all pleadings, notices, responses, motions, and rulings;
 - B) evidence received;
 - C) a statement of any matters officially noticed;
 - D) offers of proof, objections, and rulings thereon;
 - E) proposed findings and exceptions;
 - F) hearing officer report;
 - G) all staff memoranda or data submitted to the hearing officer in connection with the case; and
 - H) any communication prohibited as an ex parte consultation, as defined by Section 15 of the Administrative Procedure Act (Ill. Rev. Stat. 1987, ch. 127, par. 1015), but such communications shall not form the basis for any findings of fact.
- 2) All testimony shall be reported but need not be transcribed at the Department's expense unless the decision is appealed in accordance with the Administrative Review Law. (Ill. Rev. Stat. 1987, ch. 110, par. 3-101 et seq.)
- 3) Both the burden of going forward with evidence and the burden of proof rest with the party requesting a hearing. The burden of proof is to show by a preponderance of evidence that:
 - A) the Department's decision is contrary to the evidence on the record when taken as a whole;
 - B) the decision is arbitrary or capricious; or
 - C) the decision is contrary to law.
- 4) All parties to the hearing shall be permitted to present testimony, offer evidence, cross-examine witnesses, and present argument.
- 5) The hearing officer shall be authorized to conduct the hearing, administer oaths, issue subpoenas to compel testimony or production of documents, hold conferences for clarification of contested issues or for settlement, rule on motions, grant continuances as may be necessary, call or examine witnesses, and take such other actions as may be necessary to fairly and expeditiously provide the parties with an opportunity to be heard.
- 6) The hearing officer is not authorized to dispose of a case, however disposition may be made of any contested issue by stipulation.

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED AMENDMENTS

- 7) Continuances and extensions of time shall be granted by the Director or hearing officer for good cause shown. Good cause is a bonafide reason on the part of the Department or any party to the hearing which would prevent the hearing from being held or completed as scheduled (e.g, illness of a party or an immediate family member, unavailability of counsel).
- 8) In contested cases, the rules of evidence and rules for taking official notice will be as contained in Section 12 of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1987, ch. 127 par. 1012).
- k) Hearing Officer Report
Within 30 days following the conclusion of a hearing, the hearing officer shall deliver a report of hearing to the Director. All exhibits, pleadings, documents, or other material made a part of the record will accompany the report. The report will summarize the testimony presented at the hearing.
- l) Proposal for Decision
 - 1) When the Director has not read the record, the decision, if adverse to a party to a proceeding other than the agency, shall not be made until a proposal for decision is served upon the parties, and an opportunity is afforded to each party adversely affected to file exceptions and to present a brief.
 - 2) The proposal for decision is prepared by one who has read the record and must be approved by the Director for dissemination to the parties.
 - 3) The proposal for decision shall contain a statement of the reasons for the proposal and of each issue of fact or law necessary to the proposed decision.
 - 4) Exceptions and briefs must be filed within 30 days of the date of the proposal for decision.
 - 5) Oral argument on issues presented in the exceptions and brief is not permitted.

m) Final Decision

- 1) A final decision in a contested or uncontested case shall be in writing and shall include findings of fact and conclusions of law separately stated.
- 2) Findings of fact, if set forth in statutory language, shall be accompanied by a concise and explicit statement of the underlying facts supporting the findings.
- 3) Parties or their agents appointed to receive service of process shall be notified either personally or by registered or certified mail of any decision.

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED AMENDMENTS

(Source: Amended at 14 Ill. Reg. _____, effective _____)
Section 2058.905 Sanctions

a) General

Except in cases in which the Department determines that emergency action is necessary to protect the public interest, safety, or welfare, prior to initiating a formal action to sanction a license, the Department will allow a license holder an opportunity to take corrective action to eliminate or ameliorate a violation of the Act or this Part:

- 1) The Department shall issue written notice to a license holder whom it determines not to be in compliance pursuant to Section 3-104 of the Act.
- 2) The Department's notice shall specify the particular activities of the license holder deemed to violate the Act and this Part.
- 3) The Department's notice shall require such corrective action as it deems necessary for the license holder to achieve compliance and shall establish a time period within which the corrective action is to be completed.
- 4) In determining whether to initiate formal action against a license holder the Department shall consider:
 - A) whether the license holder made an effort to comply with the Department's notice of corrective action;
 - B) whether the license holder achieved compliance with the Act and this Part within the designated time frame; and
 - C) the potential for harm to a client as a result of the failure to comply.
- 5) Nothing contained herein shall preclude the Department from initiating formal action against a license holder who has complied with the Department's notice of corrective action; in such a case, the factors enumerated above shall be considered by the Director in determining whether and to what extent sanctions should be imposed.

b) Summary Suspension

Summary suspension of a license shall be ordered if the Director finds that the public interest, safety, or welfare imperatively requires emergency action.

- 1) A petition for summary suspension shall:
 - A) state the statutory basis for the action petitioned;
 - B) allege facts, supported by evidence or affidavit, sufficient to demonstrate a need for emergency action;
 - C) be signed by the chief counsel; and

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED AMENDMENTS

- D) be presented to the Director either in person or by telephone and in the presence of a court reporter.
- 2) An order for summary suspension shall:
- contain findings of fact sufficient to support imposition of a summary suspension;
 - recite the statutory basis for the action;
 - appoint a hearing officer;
 - demand immediate surrender of the license; and
 - be signed by the Director.
- 3) A notice of summary suspension shall accompany the order and shall:
- set a hearing date within fourteen (14) days of the date on which the order takes effect. The hearing shall determine whether the summary suspension shall remain in effect until conclusion of a formal hearing on the merits;
 - name the hearing officer who shall conduct the hearing; and
 - include a copy of the Department's rules pertaining to hearings.

c) Revocation

The Department shall, in accordance with subsection (a)(5), revoke, by formal action, a program's license denying the program the right to operate and render treatment services. The termination shall be in effect until such time as the license is reinstated or an application for a new license has been made and approved by the Department.

d) Suspension

The Department shall, in accordance with subsection (a)(5), temporarily withdraw by formal action a facility's/person's license to operate an alcoholism or substance abuse treatment program, an intervention program, or a controlled substances research project for a period of time specified by the Department during which corrective action by the program is taken to rectify problem areas that led to the suspension. When the corrective action has been taken, the Department will determine if such action meets Department standards and either reinstate or revoke the license.

e) Probation

A program shall, in accordance with subsection (a)(5), be placed on probation by the Department for not meeting or minimally violating the Department's licensure standards and may continue to operate for a specified period. During the probationary period the program

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED AMENDMENTS

shall take such action as necessary to meet the Department's licensure standards. When the probationary period has expired, the Department shall determine whether or not the program meets licensure standards, and shall terminate the probationary status. If the Department determines that the program still does not meet licensure standards, the Department may suspend the program's license or extend the probationary period, if such extension would likely result in correction.

f) Restricted License

The Department shall, in accordance with subsection (a)(5), issue a facility a license which limits the operation to specified service categories, after Departmental findings that one or more service categories had not met licensure standards.

g) Fines/Penalties

1) Any person establishing, conducting, managing, or operating an institution without the license required under this Part shall be initially fined \$500.00 and for each day of continued violation shall be fined \$500.00.

2) Any person who knowingly or negligently fails to keep the client records, personnel records, or methadone accounting records required by the Department may be fined \$100.00 for each class of record violation.

1) In accordance with Section 2058.900, the Department may impose a financial penalty when it is determined appropriate upon a finding of violation of any one or combination of the provisions of Section 3-104 of the Act.

2) A financial penalty may not be paid out of public funds.

3) In determining an appropriate financial penalty the Department may consider:

- the deterrent effect of the penalty to the licensee or applicant and the field,
 - the nature of the violation,
 - the degree to which the violation resulted in a benefit to licensee/applicant and/or harm to the public,
 - any other relevant factor to be examined in mitigation or aggravation of the licensee/applicant's conduct.
- 4) The financial penalty may be imposed in conjunction with other sanctions or separately.

h) Reinstatement of License

The Department shall, in accordance with subsection (a)(5), reinstate a program's license, after suspension or revocation, providing the program meets all licensure standards, thus enabling a

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED AMENDMENTS

program to operate and render treatment services specified in the license without restriction.

i) Denial of License Application

The Department shall, in accordance with subsection (a)(5) deny a license application for failure to comply with the Act and Departmental rules. Denial of a license shall not preclude a program from reapplying when the necessary requirements have been met.

j) Cease and Desist Order

1) Whenever the Department determines that a licensed facility is in violation of the Act, the Director shall issue an order to that person to cease and desist from engaging in the activity. The order shall specify the particular activities which violate the Act and shall include citation of relevant Sections of the Act and this Part.

2) The Director's order shall be accompanied by a notice which instructs the recipient that written documentation may be submitted to the Department within ten (10) days to support a claim that the activities are not in violation of the Act, or that the licensee is correcting the activities in violation of the Act with a reasonable time frame for completing such corrections.

3) After the ten (10) days has expired, if the Director believes that the licensed facility person is continuing to engage in activities in violation of the Act, he/she shall refer the matter to the appropriate State's Attorney or to the Office of the Attorney General for prosecution. Minor violations, such as incidences that do not include injury to a client or the potential of such injury, which are being corrected under subsection (b), will not be reported.

(Source: Amended at 14 Ill. Reg. _____, effective _____)

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED RULES

1) Heading of the Part: Toxic Pollution Prevention Innovation Plans

2) Code Citation: 35 Ill. Adm. Code 181

3) Section Numbers: _____ Proposed Action:

181.101	New Section
181.102	New Section
181.201	New Section
181.202	New Section
181.203	New Section
181.301	New Section
181.302	New Section
181.303, 181.304	New Section
181.401	New Section

4) Statutory Authority: Toxic Pollution Prevention Act P.A. 86-914, effective January 1, 1990.

5) A Complete Description of the Subjects and Issues Involved: This rulemaking establishes Environmental Protection Agency's rules and procedures for concurring with toxic pollution prevention innovation implementation plans pursuant to Public Act 86-914, the Toxic Pollution Prevention Act. Subpart A sets forth general provisions such as applicability and definitions. Subpart B sets forth the required contents of innovation plans submitted to the Agency for its concurrence. Subpart C describes the criteria the Agency will use for its concurrence decision with submitted innovation plans. Finally, Subpart D sets forth the appeal procedure to contest Agency determinations.

6) Will this proposed rule replace an emergency rule currently in effect?
Yes _____ No X

7) Does this rulemaking contain an automatic repeal date? Yes _____ No X

If "yes", please specify the date: _____

8) Does this proposed rule contain incorporations by reference?
Yes _____ No X

9) Are there any other proposed amendments pending on this part?
Yes _____ No X

If Yes:

Section Numbers	Proposed Action	Ill. Reg. Citation
-----------------	-----------------	--------------------

10) Statement of Statewide policy Objectives: This rulemaking should not expand, contract or create a state mandate.

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED RULES

11) Time, Place, and Manner in which interested persons may comment on this rulemaking:

Interested persons may present their comments concerning these rules by writing to Mr. Joseph E. Svoboda, Manager, Legal Services, Illinois Environmental Protection Agency, Post Office Box 19276, Springfield, IL 62794-9276, within 45 days after this issue of the Illinois Register.

These rules may have an impact on small businesses. In accordance with Section 3.01 and 4.03 of the Illinois Administrative Procedure Act, any small business may present their comments in writing to Michael Hayes at the above address.

Any small business (as defined in Section 3.10 of the Illinois Administrative Procedure Act) commenting on these rules shall indicate their status as such, in writing, in their comments.

12) Initial Regulatory Flexibility Analysis:

A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs:

April 20, 1990

B) Type of small businesses affected:

Small businesses which have regulated toxic substance releases.

C) Reporting, bookkeeping or other procedures required for compliance:

Compliance with the requirements for submitting a innovative toxic prevention plan to the Agency.

D) Types of professional skills necessary for compliance:

Engineering and chemical engineering.

The full text of the Proposed Rules begins on the next page:

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED RULES

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE A: GENERAL PROVISIONS
CHAPTER 11: ENVIRONMENTAL PROTECTION AGENCY

PART 181

TOXIC POLLUTION PREVENTION INNOVATION PLANS

SUBPART A: INTRODUCTION

Section
181.101 Purpose
181.102 Definitions

SUBPART B: CONTENT OF INNOVATION PLANS

Section
181.201 Content of Innovation Plans
181.202 Level of Innovation Plan Detail
181.203 Proprietary Information

SUBPART C: CRITERIA FOR AGENCY CONCURRENCE WITH INNOVATION PLANS

Section
181.301 Criteria for Agency Concurrence with Innovation Plans
181.302 Agency Nonconcurrence
181.303 Agency Follow-up
181.304 Time for Agency Review

SUBPART D: APPEAL

Section
181.401 Appeal

AUTHORITY: Implementing and authorized by Section 6(d) of the Toxic Pollution Prevention Act (P.A. 86-914, effective January 1, 1990).

SOURCE: Adopted and codified at Ill. Reg. _____, effective _____.

NOTE: Capitalization denotes statutory language.

SUBPART A: INTRODUCTION

Section 181.101 Purpose

The Toxic Pollution Prevention Act (P.A. 86-914, effective January 1, 1990) provides that after January 1, 1990, any person may submit to the Agency a plan to use an innovative production process to achieve toxic pollution

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED RULES

prevention. An innovative production process may consist of a new application of technology or a combination of existing technologies that have not previously been implemented together. IF THE AGENCY CONCURS WITH A PROPOSED INNOVATION PLAN, IT SHALL MAKE EVERY REASONABLE EFFORT TO ACCOMMODATE THE PROPOSED INNOVATIVE PRODUCTION PROCESS, INCLUDING:

- a) EXPEDITED COORDINATION AND PROCESSING OF ANY APPLICABLE PERMIT APPLICATIONS;
- b) COOPERATION, AS APPROPRIATE WITH ANY REQUEST FOR AN APPLICABLE VARIANCE, ADJUSTED STANDARD, OR SITE SPECIFIC STANDARD PURSUANT TO THE ENVIRONMENTAL PROTECTION ACT;
- c) APPROPRIATE TECHNICAL ASSISTANCE TO AVOID OR ELIMINATE ANY POTENTIAL COMPLIANCE PROBLEMS RESULTING FROM THE PROPOSED INNOVATIVE PRODUCTION PROCESS.

IN PROVIDING THIS ACCOMMODATION WITH INNOVATION PLANS WITH WHICH IT HAS CONCURRED, THE AGENCY SHALL CONSIDER WHETHER SUCH ACCOMMODATION WOULD BE FEASIBLE UNDER APPLICABLE LAW AND ALSO WHETHER SUCH ACCOMMODATION WOULD BE CONSISTENT WITH PRUDENT ENVIRONMENTAL PRACTICES. (Section 6(c) of the Act)

Section 181.102 Definitions

"Act" means the Toxic Pollution Prevention Act.

"AGENCY" MEANS THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY.

"Innovation Plan" means any toxic pollution prevention innovation plan provided for under Section 6 of the Act.

"PERSON" MEANS ANY INDIVIDUAL, PARTNERSHIP, CO-PARTNERSHIP, FIRM, COMPANY, CORPORATION, ASSOCIATION, JOINT STOCK COMPANY, TRUST, POLITICAL SUBDIVISION, STATE AGENCY, OR ANY OTHER LEGAL ENTITY, OR ITS LEGAL REPRESENTATIVE, AGENT OR ASSIGNS.

"RELEASE" MEANS EMISSION TO THE AIR, DISCHARGE TO SURFACE WATERS OR OFF-SITE WASTEWATER TREATMENT FACILITIES, OR ON-SITE RELEASE TO THE LAND, INCLUDING BUT NOT LIMITED TO LANDFILLS, SURFACE IMPOUNDMENTS AND INJECTION WELLS.

"TOXIC SUBSTANCE" MEANS ANY SUBSTANCE LISTED BY THE AGENCY PURSUANT TO SECTION 4 OF THE ACT.

"TOXIC POLLUTION PREVENTION" MEANS IN-PLANT PRACTICES THAT REDUCE, AVOID OR ELIMINATE:

- 1) THE USE OF TOXIC SUBSTANCES,

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED RULES

- 2) THE GENERATION OF TOXIC CONSTITUENTS IN WASTES,
- 3) THE DISPOSAL OR RELEASE OF TOXIC SUBSTANCES INTO THE ENVIRONMENT, OR
- 4) THE DEVELOPMENT OR MANUFACTURE OF PRODUCTS WITH TOXIC CONSTITUENTS, THROUGH THE APPLICATION OF ANY OF THE FOLLOWING TECHNIQUES:

- A) INPUT SUBSTITUTION, WHICH REFERS TO REPLACING A TOXIC SUBSTANCE OR RAW MATERIAL USED IN A PRODUCTION PROCESS WITH A NONTOXIC OR LESS TOXIC SUBSTANCE;
- B) PRODUCT REFORMULATION, WHICH REFERS TO SUBSTITUTING FOR AN EXISTING END PRODUCT WHICH IS NONTOXIC OR LESS TOXIC UPON USE, RELEASE OR DISPOSAL;
- C) PRODUCTION PROCESS REDESIGN OR MODIFICATION, WHICH REFERS TO DEVELOPING AND USING PRODUCTION PROCESSES OF A DIFFERENT DESIGN THAN THOSE CURRENTLY USED;
- D) PRODUCTION PROCESS MODERNIZATION, WHICH REFERS TO UPGRADING OR REPLACING EXISTING PRODUCTION PROCESS EQUIPMENT OR METHODS WITH OTHER EQUIPMENT OR METHODS BASED ON THE SAME PRODUCTION PROCESS;
- E) IMPROVED OPERATION AND MAINTENANCE OF EXISTING PRODUCTION PROCESS EQUIPMENT AND METHODS, WHICH REFERS TO MODIFYING OR ADDING TO EXISTING EQUIPMENT OR METHODS, INCLUDING BUT NOT LIMITED TO SUCH TECHNIQUES AS IMPROVED HOUSEKEEPING PRACTICES, SYSTEM ADJUSTMENTS, PRODUCT AND PROCESS INSPECTIONS, AND PRODUCTION PROCESS CONTROL EQUIPMENT OR METHODS;
- F) RECYCLING, REUSE OR EXTENDED USE OF TOXIC SUBSTANCES BY USING EQUIPMENT OR METHODS WHICH BECOME AN INTEGRAL PART OF THE PRODUCTION PROCESS, INCLUDING BUT NOT LIMITED TO FILTRATION AND OTHER CLOSED LOOP METHODS.

HOWEVER, "TOXIC POLLUTION PREVENTION" SHALL NOT INCLUDE OR IN ANY WAY BE INFERRED TO PROMOTE OR REQUIRE INCINERATION, TRANSFER FROM ONE MEDIUM OF RELEASE TO ANOTHER, OFF-SITE OR OUT OF PROCESS WASTE RECYCLING, OR END OF PIPE TREATMENT OF TOXIC SUBSTANCES. (Section 3 of the Act)

"Trade Secret" means any information concerning production processes employed or substances manufactured, processed or otherwise used within a facility which the Agency determines to satisfy the criteria established under Section 3.48 of the Environmental Protection Act,

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED RULES

and to which specific trade secret status has been granted by the Agency in accordance with 2 Ill. Adm. Code 1827.

SUBPART B: CONTENT OF INNOVATION PLANS

Section 181.201 Content of Innovation Plans

An Innovation Plan shall describe:

- a) THE INNOVATIVE PRODUCTION PROCESS;
- b) THE EXPECTED BENEFITS;
- c) THE PROPOSED IMPLEMENTATION SCHEDULE;
- d) ANY POTENTIAL PROBLEMS THAT MAY OCCUR UNDER THE PLAN WITH RESPECT TO COMPLIANCE WITH STATE or Federal ENVIRONMENTAL LAWS OR REGULATIONS PERTAINING TO THE RELEASE OR DISPOSAL OF TOXIC SUBSTANCES. (Section 6(a) of the Act)

Section 181.202 Level of Innovation Plan Detail

The level of detail provided in the innovation plan shall be sufficient to enable the Agency to determine that the criteria for concurrence are satisfied.

Section 181.203 Proprietary Information

To the extent that the innovation plan contains proprietary information regarding the innovative production process involved or to the extent it contains proprietary information regarding a related production process, the person filing the innovation plan should identify whether the proprietary information has been determined to constitute a trade secret in accordance with 2 Ill. Adm. Code 1827. If there is a request for such a determination pending before the Agency, the person filing the innovation plan should include a statement in the innovation plan that such a request has been made.

SUBPART C: CRITERIA FOR AGENCY CONCURRENCE WITH INNOVATION PLANS

Section 181.301 Criteria for Agency Concurrence with Innovation Plans

THE AGENCY SHALL CONCUR WITH A PROPOSED TOXIC POLLUTION PREVENTION INNOVATION PLAN IF THE OWNER OR OPERATOR OF THE AFFECTED FACILITY DEMONSTRATES TO THE AGENCY THAT THE PROPOSED PROCESS:

- a) WILL BE EFFECTIVE IN TOXIC POLLUTION PREVENTION;
- b) WILL ACHIEVE AT LEAST THE LEVEL OF TOXIC POLLUTION PREVENTION AS OTHER AVAILABLE PROCESSES;

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED RULES

- c) IS NOT REASONABLY EXPECTED TO HAVE ANY SIGNIFICANT ADVERSE EFFECT ON PUBLIC HEALTH OR THE ENVIRONMENT IN THE COURSE OF ITS OPERATION, FUNCTION, OR MALFUNCTIONS; (Section 6(b) of the Act) and

- d) will constitute toxic pollution prevention for a toxic substance.

Section 181.302 Agency Nonconcurrence

IF THE AGENCY DOES NOT CONCUR WITH THE PROPOSED PLAN, THE AGENCY SHALL PROVIDE THE OWNER OR OPERATOR WITH A WRITTEN STATEMENT OF THE REASONS FOR ITS REFUSAL TO CONCUR, AND THE OWNER OR OPERATOR MAY MODIFY THE PLAN, SUBMIT A NEW PLAN FOR REVIEW, or appeal the decision to the Director pursuant to 35 Ill. Adm. Code 181.401. (Section 6(b) of the Act)

Section 181.303 Agency Follow-up

In accordance with Section 6(e) of the Act, the Agency will monitor the implementation and effectiveness of any innovation plan with which it has concurred.

Section 181.304 Time for Agency Review

- a) The Agency will review a proposed innovation plan for completeness within 45 days of receipt and will decide concurrence for a complete plan within 120 days of receipt of such plan.

- b) Upon request of the owner or operator, the Agency will review a permit application for an innovative production process for which it has concurred in the innovation plan within 60 days of receipt of the complete permit application. In circumstances involving an opportunity for public comment on the Agency draft permit, it will not be possible for the permit to be issued within this 60 day period. For other permits, the objective will be to take the final action regarding the permit application within the 60 day period. The complete permit application must be filed within 2 years of the Agency concurrence in the innovation plan.

- c) Upon request of the owner or operator, the Agency shall make every reasonable effort to accommodate an innovative production process for which it has concurred in the innovation plan, through cooperation, as appropriate, with any request for an applicable variance, adjusted standard, or site specific standard, provided the specific request is duly filed within 2 years of the date of concurrence by the Agency with the innovation plan. Such accommodation shall be achieved to the extent feasible under applicable law and consistent with prudent environmental practices.

- d) The Agency's time limit for deciding its concurrence in innovation plans is 120 days from receipt, but the allotted time for most permit

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED RULES

and all variance decisions is less than that. Accordingly, the Agency will not be able to respond to concurrent submittals of innovation plans and permit applications or variance petitions.

SUBPART D: APPEAL

Section 181.401 Appeal

The owner or operator submitting an innovation plan may appeal any Agency decision regarding the innovation plan by filing an appeal with the Director of the Agency within 30 days of the Agency decision. The Agency Director shall respond within 30 days of receipt of the appeal with his/her decision regarding the matter.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Identification and Listing of Hazardous Waste

2) Code Citation: 35 Ill. Adm. Code 721

3) Section Numbers:

721.103, 721.104, 721.131, 721.132, 721.Appendix C
721.Appendix G, 721.Appendix H

Proposed Action:

Amendment
Amendment

4) Statutory Authority: Ill. Rev. Stat. 1988 Supp., ch. 111 1/2, pars. 1022.4 and 1027.

5) A Complete Description of the Subjects and Issues Involved:

A complete description is contained in the Board's Proposed Opinion of April 12, 1990, in R90-2, which Opinion is available from the address below. Section 22.4(a) of the Environmental Protection Act (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 1022.4(a)) provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.

This rulemaking updates the Board's RCRA hazardous waste rules to correspond with amendments adopted by USEPA which appeared in the Federal Register during the period July 1 through December 31, 1989.

The amendments to Sections 721.103 and 721.104 concern the exclusion of certain mining wastes from the definition of "hazardous waste". The remaining amendments concern the listing of certain wastes from free radical chlorination of certain aliphatic hydrocarbons and from the production of methyl bromide.

6) Will this proposed rule replace an emergency rule currently in effect? No.

7) Does this rulemaking contain an automatic repeal date? No.

8) Does this proposed Amendment contain incorporations by reference?

Yes. Appendix C incorporates federal regulations by reference. Section 22.4(a) of the Environmental Protection Act (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 1022.4(a)) provides that Section 5 of the Administrative Procedure Act shall not apply.

9) Are there any other amendments pending on this Part? No.

10) Statement of Statewide Policy Objectives:

This rulemaking is mandated by Section 22.4(a) of the Environmental

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Protection Act, and by the federal Resource Conservation and Recovery Act, (42 U.S.C. 6901 et seq.) The statewide policy objectives are set forth in Section 20 of the Environmental Protection Act. This rulemaking imposes mandates on units of local government only to the extent that they may be involved in the generation, transportation, treatment, storage or disposal of hazardous waste.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference Docket R90-2 and be addressed to:

Ms. Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center, Suite 11-500
100 W. Randolph St.
Chicago, IL 60601

12) Initial Regulatory Flexibility Analysis:

- A) Date rule was submitted to the Small Business Office of the Department of Commerce and Community Affairs: April 18, 1990
- B) Types of small businesses affected:
- The existing rules and proposed amendments affect small businesses which generate, transport, treat, store or dispose of hazardous waste. The amendments affect certain small businesses involved in extraction, processing or beneficiation of ores or minerals, in free radical chlorination of aliphatic hydrocarbons, and in production of methyl bromide.
- C) Reporting, bookkeeping or other procedures required for compliance:
- The existing rules and proposed amendments require extensive reporting, bookkeeping and other procedures, including the preparation of manifests and annual reports, waste analyses and maintenance of operating records.
- D) Types of professional skills necessary for compliance:
- Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist and registered professional engineer.

The full text of the Proposed Amendment begins on the next page:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE G: WASTE DISPOSAL
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER C: HAZARDOUS WASTE OPERATING REQUIREMENTS

PART 721

IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

SUBPART A: GENERAL PROVISIONS

Section	
721.101	Purpose of Scope
721.102	Definition of Solid Waste
721.103	Definition of Hazardous Waste
721.104	Exclusions
721.105	Special Requirements for Hazardous Waste Generated by Small Quantity Generators
721.106	Requirements for Recyclable Materials
721.107	Residues of Hazardous Waste in Empty Containers

SUBPART B: CRITERIA FOR IDENTIFYING THE CHARACTERISTICS OF HAZARDOUS WASTE AND FOR LISTING HAZARDOUS WASTES

Criteria for Identifying the Characteristics of Hazardous Waste
Criteria for Listing Hazardous Waste

SUBPART C: CHARACTERISTICS OF HAZARDOUS WASTE

Section	
721.120	General
721.121	Characteristic of Ignitability
721.122	Characteristic of Corrosivity
721.123	Characteristic of Reactivity
721.124	Characteristic of EP Toxicity

SUBPART D: LISTS OF HAZARDOUS WASTE

Section	
721.130	General
721.131	Hazardous Wastes From Nonspecific Sources
721.132	Hazardous Waste from Specific Sources
721.133	Discarded Commercial Chemical Products, Off-Specification Species, Container Residues and Spill Residues Thereof
Appendix A	Representative Sampling Methods
Appendix B	EP Toxicity Test Procedures
Appendix C	Chemical Analysis Test Methods
Table A	Analytical Characteristics of Organic Chemicals (Repealed)
Table B	Analytical Characteristics of Inorganic Species (Repealed)
Table C	Sample Preparation/Sample Introduction Techniques (Repealed)
Appendix G	Basis for Listing Hazardous Wastes

POLLUTION CONTROL BOARD

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

NOTICE OF PROPOSED AMENDMENTS

Appendix H	Hazardous Constituents
Appendix I	Wastes Excluded under Section 720.120 and 720.122
Table A	Wastes Excluded from Non-Specific Sources
Table B	Wastes Excluded from Specific Sources
Table C	Wastes Excluded From Commercial Chemical Products, Off-Specification Species, Container Residues, and Soil Residues Thereof
Appendix J	Method of Analysis for Chlorinated Dibenzop-p-Dioxins and Dibenzofurans
Appendix Z	Table to Section 721.102

AUTHORITY: Implementing Section 22.4 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1988 Supp., ch. 111 1/2, pars. 1022.4 and 1027).

SOURCE: Adopted in R81-22, 43 PCB 427, at 5 Ill. Reg. 9781, effective as noted in 35 Ill. Adm. Code 700.106; amended and codified in R81-22, 45 PCB 317, at 6 Ill. Reg. 4828, effective as noted in 35 Ill. Adm. Code 700.106; amended in R82-18, 51 PCB 31, at 7 Ill. Reg. 2518, effective February 22, 1983; amended in R82-19, 53 PCB 131, at 7 Ill. Reg. 13999, effective October 12, 1983; amended in R84-34, 61 PCB 247, at 8 Ill. Reg. 24562, effective December 11, 1984; amended in R84-9, at 9 Ill. Reg. 11834, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 998, effective January 2, 1986; amended in R85-2 at 10 Ill. Reg. 8112, effective May 2, 1986; amended in R86-1 at 10 Ill. Reg. 14002, effective August 12, 1986; amended in R86-19 at 10 Ill. Reg. 20647, effective December 2, 1986; amended in R86-28 at 11 Ill. Reg. 6035, effective March 24, 1987; amended in R86-46 at 11 Ill. Reg. 13466, effective August 4, 1987; amended in R87-32 at 11 Ill. Reg. 16698, effective September 30, 1987; amended in R87-5 at 11 Ill. Reg. 19303, effective November 12, 1987; amended in R87-26 at 12 Ill. Reg. 2456, effective January 15, 1988; amended in R87-30 at 12 Ill. Reg. 12070, effective July 12, 1988; amended in R87-39 at 12 Ill. Reg. 13006, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 382, effective December 27, 1988; amended in R89-1 at 13 Ill. Reg. 18300, effective November 13, 1989; amended in R90-2 at 14 Ill. Reg. , effective

SUBPART A: GENERAL PROVISIONS

Section 721.103 Definition of Hazardous Waste

- a) A solid waste, as defined in Section 721.102, is a hazardous waste if:
- 1) It is not excluded from regulation as a hazardous waste under Section 721.104(b); and
 - 2) It meets any of the following criteria;

- A) It exhibits any of the characteristics of hazardous waste identified in Subpart C. Except that any mixture of a waste from the extraction, beneficiation or processing of ores or minerals excluded under Section 721.104(b)(7) and any other solid waste exhibiting a characteristic of hazardous waste under Subpart C is a hazardous waste only: if it exhibits a characteristic that would not have been exhibited by the excluded waste alone if such mixture had not occurred; or, if it continues to exhibit any of the characteristics exhibited by the non-excluded wastes prior to mixture. Further, for the purposes of applying the EP toxicity (extraction procedure toxicity) characteristic to such mixtures, the mixture is also a hazardous waste: if it exceeds the maximum concentration for any contaminant listed in Section 721.124 that would not have been exceeded by the excluded waste alone if the mixture had not occurred; or, if it continues to exceed the maximum concentration for any contaminant exceeded by the nonexempt waste prior to mixture.
- B) It is listed in Subpart D and has not been excluded from the lists in Subpart D under 35 Ill. Adm. Code 720.120 and 720.122.
- C) It is a mixture of a solid waste and a hazardous waste that is listed in Subpart D solely because it exhibits one or more of the characteristics of hazardous waste identified in Subpart C, unless the resultant mixture no longer exhibits any characteristic of hazardous waste identified in Subpart C, or unless the solid waste is excluded from regulation under Section 721.104(b)(7); and, the resultant mixture no longer exhibits any characteristic of hazardous waste identified in Subpart C for which the hazardous waste listed in Subpart D was listed.
- D) It is a mixture of solid waste and one or more hazardous wastes listed in Subpart D and has not been excluded from this paragraph under 35 Ill. Adm. Code 720.120 and 720.122; however, the following mixtures of solid wastes and hazardous wastes listed in Subpart D are not hazardous wastes (except by application of subsection (a)(2)(A) or (B)) if the generator can demonstrate that the mixture consists of wastewater the discharge of which is subject to regulation under either 35 Ill. Adm. Code 309 or 310 (including wastewater at facilities which have eliminated the discharge of wastewater) and;

- i) One or more of the following spent solvents listed in

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Section 721.131 - carbon tetrachloride, tetrachloroethylene, trichloroethylene - provided that the maximum total weekly usage of these solvents (other than the amounts that can be demonstrated not to be discharged to wastewater) divided by the average weekly flow of wastewater into the headworks of the facility's wastewater treatment or pre-treatment system does not exceed 1 part per million; or

ii) One or more of the following spent solvents listed in Section 721.131 - methylene chloride, 1,1,1 - trichloroethane, chlorobenzene, o-dichlorobenzene, cresols, cresylic acid, nitrobenzene, toluene, methyl ethyl ketone, carbon disulfide, isobutanol, pyridine, spent chlorofluorocarbon solvents - provided that the maximum total weekly usage of these solvents (other than the amounts that can be demonstrated not to be discharged to wastewater) divided by the average weekly flow of wastewater into the headworks of the facility's wastewater treatment or pre-treatment system does not exceed 25 parts per million; or

iii) One of the following wastes listed in Section 721.132 - heat exchanger bundle cleaning sludge from the petroleum refining industry (EPA Hazardous Waste No. K050); or

iv) A discharged commercial chemical product, or chemical intermediate listed in Section 721.133, arising from de minimis losses of these materials from manufacturing operations in which these materials are used as raw materials or are produced in the manufacturing process. For purposes of this subsection, "de minimis" losses include those from normal material handling operations (e.g., spills from the unloading or transfer of materials from bins or other containers, leaks from pipes, valves or other devices used to transfer materials); minor leaks of process equipment, storage tanks or containers; leaks from well-maintained pump packings and seals; sample purgings; relief device discharges; discharges from safety showers and rinsing and cleaning of personal safety equipment; and rinsate from empty containers or from containers that are rendered empty by that rinsing; or

v) Wastewater resulting from laboratory operations containing toxic (T) wastes listed in Subpart D,

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

provided that the annualized average flow of laboratory wastewater does not exceed one percent of total wastewater flow into the headworks of the facility's wastewater treatment or pre-treatment system, or provided that the wastes combined annualized average concentration does not exceed one part per million in the headworks of the facility's wastewater treatment or pre-treatment facility. Toxic (T) wastes used in laboratories that are demonstrated not to be discharged to wastewater are not to be included in this calculation.

b) A solid waste which is not excluded from regulation under subsection (a)(1) becomes a hazardous waste when any of the following events occur:

- 1) In the case of a waste listed in Subpart D, when the waste first meets the listing description set forth in Subpart D.
- 2) In the case of a mixture of solid waste and one or more listed hazardous wastes, when a hazardous waste listed in Subpart D is first added to the solid waste.
- 3) In the case of any other waste (including a waste mixture), when the waste exhibits any of the characteristics identified in Subpart C.

c) Unless and until it meets the criteria of subsection (d):

- 1) A hazardous waste will remain a hazardous waste.
- 2) Specific inclusions and exclusions

A) Except as otherwise provided in subsection (c)(2)(B), any solid waste generated from the treatment, storage or disposal of a hazardous waste, including any sludge, spill residue, ash, emission control dust or leachate (but not including precipitation run-off), is a hazardous waste. (However, materials that are reclaimed from solid wastes and that are used beneficially are not solid wastes and hence are not hazardous wastes under this provision unless the reclaimed material is burned for energy recovery or used in a manner constituting disposal.)

B) The following solid wastes are not hazardous even though they are generated from the treatment, storage or disposal of a hazardous waste, unless they exhibit one or more of the characteristics of hazardous waste:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- i) Waste pickle liquor sludge generated by lime stabilization of spent pickle liquor from the iron and steel industry (SIC Codes 331 and 332) (Standard Industrial Codes, as defined and incorporated by reference in 35 Ill. Adm. Code 720.110 and 720.111).
- ii) Wastes from burning any of the materials exempted from regulation by Section 721.106(a)(3)(E),(F),(G),(H) or (I).

d) Any solid waste described in subsection (c) is not a hazardous waste if it meets the following criteria:

- 1) In the case of any solid waste, it does not exhibit any of the characteristics of hazardous waste identified in Subpart C.
- 2) In the case of a waste which is a listed waste under Subpart D, contains a waste listed under Subpart D or is derived from a waste listed in Subpart D, it also has been excluded from subsection (c) under 35 Ill. Adm. Code 720.120 and 720.122.

(Source: Amended at 14 Ill. Reg. , effective)
Section 721.104 Exclusions

a) Materials which are not solid wastes. The following materials are not solid wastes for the purpose of this Part:

- 1) Sewage:
 - A) Domestic sewage; and
 - B) Any mixture of domestic sewage and other waste that passes through a sewer system to publicly-owned treatment works for treatment. "Domestic sewage" means untreated sanitary wastes that pass through a sewer system.

2) Industrial wastewater discharges that are point source discharges with NPDES permits issued by the Agency pursuant to Section 12(f) of the Environmental Protection Act and 35 Ill. Adm. Code 309.

BOARD NOTE: This exclusion applies only to the actual point source discharge. It does not exclude industrial wastewaters while they are being collected, stored or treated before discharge, nor does it exclude sludges that are generated by industrial wastewater treatment.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 3) Irrigation return flows.
- 4) Source, special nuclear or by-product material as defined by the Atomic Energy Act of 1954, as amended (42 U.S.C. 2011 et seq.)
- 5) Materials subjected to in-situ mining techniques which are not removed from the ground as part of the extraction process.
- 6) Pulping liquors (i.e., black liquor) that are reclaimed in a pulping liquor recovery furnace and then reused in the pulping process, unless accumulated speculatively as defined in Section 721.101(c);
- 7) Spent sulfuric acid used to produce virgin sulfuric acid, unless it is accumulated speculatively as defined in Section 721.101(c).
- 8) Secondary materials that are reclaimed and returned to the original process or processes in which they were generated where they are reused in the production process, provided:
 - A) Only tank storage is involved, and the entire process through completion of reclamation is closed by being entirely connected with pipes or other comparable enclosed means of conveyance;
 - B) Reclamation does not involve controlled flame combustion (such as occurs in boilers, industrial furnaces or incinerators);
 - C) The secondary materials are never accumulated in such tanks for over twelve months without being reclaimed; and
 - D) The reclaimed material is not used to produce a fuel, or used to produce products that are used in a manner constituting disposal.
- b) Solid wastes which are not hazardous wastes. The following solid wastes are not hazardous wastes:
 - 1) Household waste, including household waste that has been collected, transported, stored, treated, disposed, recovered (e.g., refuse-derived fuel) or reused. "Household waste" means any waste material (including garbage, trash and sanitary wastes in septic tanks) derived from households (including single and multiple residences, hotels and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds and day-use

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

recreation areas). A resource recovery facility managing municipal solid waste shall not be deemed to be treating, storing, disposing of or otherwise managing hazardous wastes for the purposes of regulation under this Part, if such facility:

- A) Receives and burns only:
 - i) Household waste (from single and multiple dwellings, hotels, motels and other residential sources) and
 - ii) Solid waste from commercial or industrial sources that does not contain hazardous waste; and
- B) Such facility does not accept hazardous waste and the owner or operator of such facility has established contractual requirements or other appropriate notification or inspection procedures to assure that hazardous wastes are not received at or burned in such facility.

- 2) Solid wastes generated by any of the following and which are returned to the soil as fertilizers:
 - A) The growing and harvesting of agricultural crops.
 - B) The raising of animals, including animal manures.

- 3) Mining overburden returned to the mine site.
- 4) Fly ash waste, bottom ash waste, slag waste, and flue gas emission control waste generated primarily from the combustion of coal or other fossil fuels.

- 5) Drilling fluids, produced waters, and other wastes associated with the exploration, development, or production of crude oil, natural gas or geothermal energy.
- 6) Chromium wastes:
 - A) Wastes which fail the test for the characteristic of EP toxicity (Section 721.124 and Appendix B) because chromium is present or are listed in Subpart D due to the presence of chromium, which do not fail the test for the characteristic of EP toxicity for any other constituent or are not listed due to the presence of any other constituent, and which do not fail the test for any other characteristic, if it is shown by a waste generator or by waste generators that:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- i) The chromium in the waste is exclusively (or nearly exclusively) trivalent chromium; and
 - ii) The waste is generated from an industrial process which uses trivalent chromium exclusively (or nearly exclusively) and the process does not generate hexavalent chromium; and
 - iii) The waste is typically and frequently managed in non-oxidizing environments.
- B) Specific wastes which meet the standard in subsections (b)(6)(A)(i), (ii) and (iii) (so long as they do not fail the test for the characteristic of EP toxicity, and do not fail the test for any other characteristic) are
- i) Chrome (blue) trimmings generated by the following subcategories of the leather tanning and finishing industry: hair pulp/chrome tan/retan/wet finish; hair save/chrome tan/retan/wet finish; retan/wet finish; no beamhouse; through-the-blue; and shearling.
 - ii) Chrome (blue) shavings generated by the following subcategories of the leather tanning and finishing industry: hair pulp/chrome tan/retan/wet finish; hair save/chrome tan/retan/wet finish; retan/wet finish; no beamhouse; through-the-blue; and shearling.
 - iii) Buffing dust generated by the following subcategories of the leather tanning and finishing industry: hair pulp/chrome tan/retan/wet finish; hair save/chrome tan/retan/wet finish; retan/wet finish; no beamhouse; through-the-blue.
 - iv) Sewer screenings generated by the following subcategories of the leather tanning and finishing industry: hair pulp/chrome tan/retan/wet finish; hair save/chrome tan/retan/wet finish; retan/wet finish; no beamhouse; through-the-blue; and shearling.
 - v) Wastewater treatment sludges generated by the following subcategories of the leather tanning and finishing industry: hair pulp/chrome tan/retan/wet finish; hair save/chrome tan/retan/wet finish; retan/wet finish; no beamhouse; through-the-blue; and shearling.
 - vi) Wastewater treatment sludges generated by the

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

following subcategories of the leather tanning and finishing industry: hair pulp/chrome tan/retan/wet finish; hair save/chrome tan/retan/wet finish; and through-the-blue.

- vii) Waste scrap leather from the leather tanning industry, the shoe manufacturing industry, and other leather product manufacturing industries.
- viii) Wastewater treatment sludges from the production of titanium dioxide pigment using chromium-bearing ores by the chloride process.

7) Solid waste from the extraction, beneficiation and processing of ores and minerals (including coal), including phosphate rock and overburden from the mining of uranium ore. For purposes of this subsection, beneficiation of ores and minerals is restricted to the following activities: crushing, grinding, washing, dissolution, crystallization, filtration, sorting, sizing, drying, sintering, pelletizing, briquetting, calcining to remove water or carbon dioxide, roasting in preparation for leaching (except where the roasting/leaching sequence produces a final or intermediate product that does not undergo further beneficiation or processing), gravity concentration, magnetic separation, electrostatic separation, flotation, ion exchange, solvent extraction, electrowinning, precipitation, amalgamation, and heap, dump, vat tank and in situ leaching. For the purposes of this subsection, solid waste from the processing of ores and minerals ~~does not include~~ includes only:

- A) Acid plant blowdown slurry of sludge resulting from the thickening of blowdown slurry from primary copper production;
- B) Surface impoundment solids contained in and dredged from surface impoundments at primary lead smelting facilities;
- C) After June 30, 1990, sludge from treatment of process wastewater of acid plant blowdown from primary zinc production;
- D) Spent potliners from primary aluminum reduction;
- E) Emission control dust of sludge from ferrochromium-silicon production; and
- F) Emission control dust of sludge from ferrochromium production.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

A) The following solid wastes from the processing of ores and minerals, which are retained within this exclusion:

- i) Slag from primary copper smelting;
- ii) Slag from primary lead smelting;
- iii) Red and brown muds from bauxite refining;
- iv) Phosphogypsum from phosphoric acid production;
- v) Slag from elemental phosphorus production; and

B) The following solid wastes from the processing of ores and minerals, which are conditionally retained within this exclusion, pending collection and evaluation of additional data:

- i) Roast/leach ore residue from primary chromite production;
- ii) Gasifier ash from coal gasification;
- iii) Process wastewater from coal gasification;
- iv) Slag tailings from primary copper smelting;
- v) Calcium sulfate wastewater treatment plant sludge from primary copper smelting/refining;
- vi) Furnace off-gas solids from elemental phosphorus production;
- vii) Fluorogypsum from hydrofluoric acid production;
- viii) Process wastewater from hydrofluoric acid production;
- ix) Air pollution control dust/sludge from iron blast furnaces;
- x) Iron blast furnace slag;
- xi) Process wastewater from primary lead production;
- xii) Air pollution control dust/sludge from lightweight aggregate production;

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- xiii) Process wastewater from primary magnesium processing by the anhydrous process;
 - xiv) Process wastewater from phosphoric acid production;
 - xv) Basic oxygen furnace and open hearth furnace slag from carbon steel production;
 - xvi) Basic oxygen furnace and open hearth furnace air pollution control dust/sludge from carbon steel production;
 - xvii) Sulfate processing waste acids from titanium dioxide production;
 - xviii) Sulfate processing waste solids from titanium dioxide production;
 - xix) Chloride processing waste solids from titanium tetrachloride production; and,
 - xx) Slag from primary zinc smelting.
- 8) Cement kiln dust waste.
- 9) Solid waste which consists of discarded wood or wood products which fails the test for the characteristic of EP toxicity and which is not a hazardous waste for any other reason if the waste is generated by persons who utilize the arsenical-treated wood and wood products for these materials' intended end use.
- c) Hazardous wastes which are exempted from certain regulations. A hazardous waste which is generated in a product or raw material storage tank, a product or raw material transport vehicle or vessel, a product or raw material pipeline, or in a manufacturing process unit or an associated non-waste-treatment manufacturing unit, is not subject to regulation under 35 Ill. Adm. Code 702, 703, 705 and 722 through 725 and 728 or to the notification requirements of Section 3010 of RCRA until it exits the unit in which it was generated, unless the unit is a surface impoundment, or unless the hazardous waste remains in the unit more than 90 days after the unit ceases to be operated for manufacturing, or for storage or transportation of product or raw materials.

d) Samples

- 1) Except as provided in subsection (d)(2), a sample of solid waste or a sample of water, soil or air, which is collected for the

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

sole purpose of testing to determine its characteristics or composition, is not subject to any requirements of this Part or 35 Ill. Adm. Code 702, 703, 705 and 722 through 728. The sample qualifies when:

- A) The sample is being transported to a laboratory for the purpose of testing; or
 - B) The sample is being transported back to the sample collector after testing; or
 - C) The sample is being stored by the sample collector before transport to a laboratory for testing; or
 - D) The sample is being stored in a laboratory before testing; or
 - E) The sample is being stored in a laboratory for testing but before it is returned to the sample collector; or
 - F) The sample is being stored temporarily in the laboratory after testing for a specific purpose (for example, until conclusion of a court case or enforcement action where further testing of the sample may be necessary).
- 2) In order to qualify for the exemption in subsection (d)(1)(A) and (B), a sample collector shipping samples to a laboratory and a laboratory returning samples to a sample collector must:
- A) Comply with U.S. Department of Transportation (DOT), U.S. Postal Service (USPS) or any other applicable shipping requirements; or
 - B) Comply with the following requirements if the sample collector determines that DOT, USPS or other shipping requirements do not apply to the shipment of the sample:
 - i) Assure that the following information accompanies the sample: The sample collector's name, mailing address and telephone number; the laboratory's name, mailing address and telephone number; the quantity of the sample; the date of the shipment; and a description of the sample.
 - ii) Package the sample so that it does not leak, spill or vaporize from its packaging.
 - 3) This exemption does not apply if the laboratory determines that

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

the waste is hazardous but the laboratory is no longer meeting any of the conditions stated in subsection (d)(1).

e) Treatability study samples.

- 1) Except as is provided in subsection (e)(2), persons who generate or collect samples for the purpose of conducting treatability studies, as defined in 35 Ill. Adm. Code 720.110, are not subject to any requirement of 35 Ill. Adm. Code 721 through 723 or to the notification requirements of Section 3010 of the Resource Conservation and Recovery Act. Nor are such samples included in the quantity determinations of Section 721.105 and 35 Ill. Adm. Code 722.134(d) when:

- A) The sample is being collected and prepared for transportation by the generator or sample collector; or,
- B) The sample is being accumulated or stored by the generator or sample collector prior to transportation to a laboratory or testing facility; or
- C) The sample is being transported to the laboratory or testing facility for the purpose of conducting a treatability study.

- 2) The exemption in subsection (e)(1) is applicable to samples of hazardous waste being collected and shipped for the purpose of conducting treatability studies provided that:

- A) The generator or sample collector uses (in "treatability studies") no more than 1000 kg of any non-acute hazardous waste, 1 kg of acute hazardous waste or 250 kg of soils, water or debris contaminated with acute hazardous waste for each process being evaluated for each generated wastestream; and
- B) The mass of each shipment does not exceed 1000 kg of non-acute hazardous waste, 1 kg of acute hazardous waste or 250 kg of soils, water or debris contaminated with acute hazardous waste; and
- C) The sample must be packaged so that it does not leak, spill or vaporize from its packaging during shipment and the requirements of subsections (i) or (ii) are met.

- i) The transportation of each sample shipment complies with U.S. Department of Transportation (DOT), U.S. Postal Service (USPS) or any other applicable shipping

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

requirements; or

- ii) If the DOT, USPS or other shipping requirements do not apply to the shipment of the sample, the following information must accompany the sample: The name, mailing address and telephone number of the originator of the sample; the name, address and telephone number of the facility that will perform the treatability study; the quantity of the sample; the date of the shipment; and, a description of the sample, including its USEPA hazardous waste number.

- D) The sample is shipped to a laboratory or testing facility which is exempt under subsection (f) or has an appropriate RCRA permit or interim status.

- E) The generator or sample collector maintains the following records for a period ending 3 years after completion of the treatability study:

- i) Copies of the shipping documents;
 - ii) A copy of the contract with the facility conducting the treatability study;
 - iii) Documentation showing: The amount of waste shipped under this exemption; the name, address and USEPA identification number of the laboratory or testing facility that received the waste; the date the shipment was made; and, whether or not unused samples and residues were returned to the generator.
- F) The generator reports the information required in subsection (e)(2)(E)(iii) in its report under 35 Ill. Adm. Code 722.141.

- 3) The Agency may grant requests, on a case-by-case basis, for quantity limits in excess of those specified in subsection (e)(2)(A), for up to an additional 500 kg of any non-acute hazardous waste, 1 kg of acute hazardous waste and 250 kg of soils, water or debris contaminated with acute hazardous waste, to conduct further treatability study evaluation when: There has been an equipment or mechanical failure during the conduct of the treatability study; there is need to verify the results of a previously conducted treatability study; there is a need to study and analyze alternative techniques within a previously evaluated treatment process; or, there is a need to do further evaluation of an ongoing treatability study to determine final

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

specifications for treatment. The additional quantities allowed are subject to all the provisions in subsections (e)(1) and (e)(2)(B) through (F). The generator or sample collector must apply to the Agency and provide in writing the following information:

- A) The reason why the generator or sample collector requires additional quantity of sample for the treatability study evaluation and the additional quantity needed;
- B) Documentation accounting for all samples of hazardous waste from the wastestream which have been sent for or undergone treatability studies, including the date each previous sample was shipped, the quantity of each previous shipment, the laboratory or testing facility to which it was shipped, what treatability study processes were conducted on each sample shipped, and the available results of each treatability study;
- C) A description of the technical modifications or change in specifications which will be evaluated and the expected results;
- D) If such further study is being required due to equipment or mechanical failure, the applicant must include information regarding the reason for the failure or breakdown and also include what procedures or equipment have been made to protect against further breakdowns; and,
- E) Such other information as the Agency determines is necessary.
- 4) Final Agency determinations pursuant to this subsection may be appealed to the Board.
- f) Samples undergoing treatability studies at laboratories or testing facilities. Samples undergoing treatability studies and the laboratory or testing facility conducting such treatability studies (to the extent such facilities are not otherwise subject to RCRA requirements) are not subject to any requirement of this Part, or of 35 Ill. Adm. Code 702, 703, 705, 722 through 726, and 728, or to the notification requirements of Section 3010 of the Resource Conservation and Recovery Act, provided that the requirements of subsections (f)(1) through (f)(11) are met. A mobile treatment unit may qualify as a testing facility subject to subsections (f)(1) through (f)(11). Where a group of mobile treatment units are located at the same site, the limitations specified in subsections (f)(1) through (f)(11) apply to the entire group of mobile treatment units

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

collectively as if the group were one mobile treatment unit.

- 1) No less than 45 days before conducting treatability studies, the facility notifies the Agency in writing that it intends to conduct treatability studies under this subsection.
- 2) The laboratory or testing facility conducting the treatability study has a USEPA identification number.
- 3) No more than a total of 250 kg of "as received" hazardous waste is subjected to initiation of treatability studies in any single day. "As received" waste refers to the waste as received in the shipment from the generator or sample collector.
- 4) The quantity of "as received" hazardous waste stored at the facility for the purpose of evaluation in treatability studies does not exceed 1000 kg, the total of which can include 500 kg of soils, water or debris contaminated with acute hazardous waste or 1 kg of acute hazardous waste. This quantity limitation does not include:
 - A) Treatability study residues; and,
 - B) Treatment materials (including nonhazardous solid waste) added to "as received" hazardous waste.
- 5) No more than 90 days have elapsed since the treatability study for the sample was completed, or no more than one year has elapsed since the generator or sample collector shipped the sample to the laboratory or testing facility, whichever date first occurs.
- 6) The treatability study does not involve the placement of hazardous waste on the land or open burning of hazardous waste.
- 7) The facility maintains records for 3 years following completion of each study that show compliance with the treatment rate limits and the storage time and quantity limits. The following specific information must be included for each treatability study conducted:
 - A) The name, address and USEPA identification number of the generator or sample collector of each waste sample;
 - B) The date the shipment was received;
 - C) The quantity of waste accepted;

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- D) The quantity of "as received" waste in storage each day;
- E) The date the treatment study was initiated and the amount of "as received" waste introduced to treatment each day;
- F) The date the treatability study was concluded;
- G) The date any unused sample or residues generated from the treatability study were returned to the generator or sample collector or, if sent to a designated facility, the name of the facility and the USEPA identification number.
- 8) The facility keeps, on-site, a copy of the treatability study contract and all shipping papers associated with the transport of treatability study samples to and from the facility for a period ending 3 years from the completion date of each treatability study.
- 9) The facility prepares and submits a report to the Agency by March 15 of each year that estimates the number of studies and the amount of waste expected to be used in treatability studies during the current year, and includes the following information for the previous calendar year:
- The name, address and USEPA identification number of the facility conducting the treatability studies;
 - The types (by process) of treatability studies conducted;
 - The names and addresses of persons for whom studies have been conducted (including their USEPA identification numbers);
 - The total quantity of waste in storage each day;
 - The quantity and types of waste subjected to treatability studies;
 - When each treatability study was conducted;
 - The final disposition of residues and unused sample from each treatability study;
- 10) The facility determines whether any unused sample or residues generated by the treatability study are hazardous waste under Section 721.103 and, if so, are subject to 35 Ill. Adm. Code 702, 703 and 721 through 728, unless the residues and unused samples are returned to the sample originator under the

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

subsection (e) exemption.

- 11) The facility notifies the Agency by letter when the facility is no longer planning to conduct any treatability studies at the site.

(Source: Amended at 14 Ill. Reg. , effective)

SUBPART D: LISTS OF HAZARDOUS WASTE

Section 721.131 Hazardous Wastes From Nonspecific Sources

The following solid wastes are listed hazardous wastes from non-specific sources unless they are excluded under 35 Ill. Adm. Code 720.120 and 720.122 and listed in Appendix I.

EPA Hazardous Waste No.	Industry and Hazardous Waste	Hazard Code
F001	The following spent halogenated solvents used in degreasing: tetrachloroethylene, trichloroethylene, methylene chloride, 1,1,1-trichloroethane, carbon tetrachloride and chlorinated fluorocarbons; all spent solvent mixtures and blends used in degreasing containing, before use, a total of ten percent or more (by volume) of one or more of the above halogenated solvents or those solvents listed in F002, F004 or F005; and still bottoms from the recovery of these spent solvents and spent solvent mixtures.	(T)
F002	The following spent halogenated solvents: tetrachloroethylene, methylene chloride, trichloroethylene, 1,1,1-trichloroethane, chlorobenzene, 1,1,2-trichloro-1,2,2-trifluoroethane, orthodichlorobenzene, trichlorofluoromethane and 1,1,2-trichloroethane; all spent solvent mixtures and blends containing, before use, a total of ten percent or more (by volume) of one or more of the above halogenated solvents or those solvents listed in F001, F004 or F005; and still bottoms from the recovery of these spent solvents and spent solvent mixtures.	(T)
F003	The following spent non-halogenated solvents: xylene, acetone, ethyl acetate, ethyl benzene, ethyl ether, methyl isobutyl ketone, n-butyl alcohol, cyclohexanone and methanol; all spent solvent mixtures and blends containing, before use, only the above spent non-halogenated solvents; and all spent solvent mixtures and blends containing, before use, one or more of the above non-halogenated solvents and a total of ten percent or more (by volume) of one or more of those solvents listed in F001, F002, F004 or F005; and still bottoms from the recovery of these spent solvents and spent solvent	(1)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

from hydrogen chloride purification) from the production of materials on equipment previously used for the manufacturing use (as a reactant, chemical intermediate or component in a formulating process) of tetra-, penta- or hexachlorobenzene under alkaline conditions.

F027 Discarded unused formulations containing tri-, tetra- or pentachlorophenol or discarded unused formulations containing compounds derived from these chlorophenols. (This listing does not include formulations containing hexachlorophene synthesized from prepurified 2,4,5-trichlorophenol as the sole component). (H)

F028 Residues resulting from the incineration or thermal treatment of soil contaminated with hazardous waste numbers F020, F021, F022, F023, F026 and F027. (T)

(Board Note: The primary hazardous properties of these materials have been indicated by the letters T (Toxicity), R (Reactivity), I (Ignitability), and C (Corrosivity). The letter H indicates Acute Hazardous Waste.)

(Source: Amended at 14 Ill. Reg. , effective)

Section 721.132 Hazardous Waste from Specific Sources

The following solid wastes are listed hazardous wastes from specific sources unless they are excluded under 35 Ill. Adm. Code 720.120 and 720.122 and listed in Appendix I.

EPA Hazardous Waste No.	Industry and Hazardous Waste	Hazard Code
Wood Preservation:		
K001	Bottom sediment sludge from the treatment of wastewaters from wood preserving processes that use creosote and/or pentachlorophenol.	(T)
Inorganic Pigments:		
K002	Wastewater treatment sludge from the production of chrome yellow and orange pigments.	(T)
K003	Wastewater treatment sludge from the production of molybdate orange pigments.	(T)
K004	Wastewater treatment sludge from the production of zinc yellow pigments.	(T)
K005	Wastewater treatment sludge from the production of chrome green pigments.	(T)
K006	Wastewater treatment sludge from the production of chrome oxide green pigments (anhydrous and	(T)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

hydrated).
K007 Wastewater treatment sludge from the production of iron blue pigments. (T)
K008 Oven residue from the production of chrome oxide green pigments. (T)

Organic Chemicals:

K009 Distillation bottoms from the production of acetaldehyde from ethylene. (T)
K010 Distillation side cuts from the production of acetaldehyde from ethylene. (T)
K011 Bottom stream from the wastewater stripper in the production of acrylonitrile. (R,T)
K013 Bottom stream from the acetonitrile column in the production of acrylonitrile. (T)
K014 Bottoms from the acetonitrile purification column in the production of acrylonitrile. (T)
K015 Still bottoms from the distillation of benzyl chloride. (T)
K016 Heavy ends or distillation residues from the production of carbon tetrachloride. (T)
K017 Heavy ends (still bottoms) from the purification column in the production of epichlorohydrin. (T)
K018 Heavy ends from the fractionation column in ethyl chloride production. (T)
K019 Heavy ends from the distillation of ethylene dichloride in ethylene dichloride production. (T)
K020 Heavy ends from the distillation of vinyl chloride in vinyl chloride monomer production. (T)
K021 Aqueous spent antimony catalyst waste from fluoromethanes production. (T)
K022 Distillation bottom tars from the production of phenol/acetone from cumene. (T)
K023 Distillation light ends from the production of phthalic anhydride from naphthalene. (T)
K024 Distillation bottoms from the production of phthalic anhydride from naphthalene. (T)
K093 Distillation light ends from the production of phthalic anhydride from ortho-xylene. (T)
K094 Distillation bottoms from the production of phthalic anhydride from ortho-xylene. (T)
K025 Distillation bottoms from the production of nitrobenzene by the nitration of benzene. (T)
K026 Stripping still tails from the production of methyl ethyl pyridines. (T)
K027 Centrifuge and distillation residues from toluene diisocyanate production. (R,T)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

K028	Spent catalyst from the hydrochlorinator reactor in the production of 1,1,1-trichloroethane.	(T)
K029	Waste from the product stream stripper in the production of 1,1,1-trichloroethane.	(T)
K095	Distillation bottoms from the production of 1,1,1-trichloroethane.	(T)
K096	Heavy ends from the heavy ends column from the production of 1,1,1-trichloroethane.	(T)
K030	Column bottoms or heavy ends from the combined production of trichloroethylene and perchloroethylene.	(T)
K083	Distillation bottoms from aniline production.	(T)
K103	Process residues from aniline extraction from the production of aniline.	(T)
K104	Combined wastewater streams generated from nitrobenzene/aniline production.	(T)
K035	Distillation or fractionation column bottoms from the production of chlorobenzenes.	(T)
K105	Separated aqueous stream from the reactor product washing step in the production of chlorobenzenes.	(T)
K111	Product wastewaters from the production of dinitrotoluene via nitration of toluene.	(C,T)
K112	Reaction by-product water from the drying column in the production of toluenediamine via hydrogenation of dinitrotoluene.	(T)
K113	Condensed liquid light ends from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene.	(T)
K114	Vicinals from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene.	(T)
K115	Heavy ends from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene.	(T)
K116	Organic condensate from the solvent recovery column in the production of toluene diisocyanate via phosgenation of toluenediamine.	(T)
K117	Wastewater from the reactor vent gas scrubber in the production of ethylene dibromide via bromination of ethene.	(T)
K118	Spent adsorbent solids from purification of ethylene dibromide in the production of ethylene dibromide via bromination of ethene.	(T)
K136	Still bottoms from the purification of ethylene dibromide in the production of ethylene dibromide via bromination of ethene.	(T)

Inorganic Chemicals:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

K071	Brine purification muds from the mercury cell process in chlorine production, where separately prepurified brine is not used.	(T)
K073	Chlorinated hydrocarbon waste from the purification step of the diaphragm cell process using graphite anodes in chlorine production.	(T)
K106	Wastewater treatment sludge from the mercury cell process in chlorine production.	(T)
	Pesticides:	
K031	By-product salts generated in the production of MSMA and cacodylic acid.	(T)
K032	Wastewater treatment sludge from the production of chlordane.	(T)
K033	Wastewater and scrub water from the chlorination of cyclopentadiene in the production of chlordane.	(T)
K034	Filter solids from the filtration of hexachlorocyclopentadiene in the production of chlordane.	(T)
K097	Vacuum stripper discharge from the chlordane chlorinator in the production of chlordane.	(T)
K035	Wastewater treatment sludges generated in the production of creosote.	(T)
K036	Still bottoms from toluene reclamation distillation in the production of disulfoton.	(T)
K037	Wastewater treatment sludges from the production of disulfoton.	(T)
K038	Wastewater from the washing and stripping of phorate production.	(T)
K039	Filter cake from the filtration of diethylphosphorodithioic acid in the production of phorate.	(T)
K040	Wastewater treatment sludge from the production of phorate.	(T)
K041	Wastewater treatment sludge from the production of toxaphene.	(T)
K098	Untreated process wastewater from the production of toxaphene.	(T)
K042	Heavy ends or distillation residues from the distillation of tetrachlorobenzene in the production of 2,4,5-T.	(T)
K043	2,6-Dichlorophenol waste from the production of 2,4-D.	(T)
K099	Untreated wastewater from the production of 2,4-D.	(T)
K123	Process wastewater (including supernates, filtrates and washwaters) from the production of ethylenedisulfithiocarbamic acid and its salts.	(C,T)
K124	Reactor vent scrubber water from the production	(C,T)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

K125	of ethylenedisithiocarbamic acid and its salts. Filtration, evaporation and centrifugation solids from the production of ethylenedisithiocarbamic acid and its salts	(T)
K126	Baghouse dust and floor sweepings in milling and packaging operations from the production or formulation of ethylenedisithiocarbamic acid and its salts.	(T)
K131	Wastewater from the reactor and spent sulfuric acid from the acid dryer from the production of methyl bromide.	(C,T)
K132	Spent absorbent and wastewater separator solids from the production of methyl bromide.	(T)
Explosives:		
K044	Wastewater treatment sludges from the manufacturing and processing of explosives.	(R)
K045	Spent carbon from the treatment of wastewater containing explosives.	(R)
K046	Wastewater treatment sludges from the manufacturing, formulation and loading of lead-based initiating compounds.	(T)
K047	Pink/red water from TNT operations.	(R)
Petroleum Refining:		
K048	Dissolved air flotation (DAF) float from the petroleum refining industry.	(T)
K049	Slop oil emulsion solids from the petroleum refining industry.	(T)
K050	Heat exchanger bundle cleaning sludge from the petroleum refining industry.	(T)
K051	API separator sludge from the petroleum refining industry.	(T)
K052	Tank bottoms (leaded) from the petroleum refining industry.	(T)
Iron and Steel:		
K061	Emission control dust/sludge from the primary production of steel in electric furnaces.	(T)
K062	Spent pickle liquor generated by steel finishing operations of facilities within the iron and steel industry (SIC Codes 331 and 332) (as defined in 35 Ill. Adm. Code 720.110).	(C,T)
Primary Copper:		
K064	Acid plant blowdown slurry or sludge resulting from the	(T)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

	thickening of blowdown slurry from primary copper production.	
Primary Lead:		
K065	Surface impoundment solids contained in and dredged from surface impoundments at primary lead smelting facilities.	(T)
Primary Zinc:		
K066	After June 30, 1990, sludge from treatment of process wastewater or acid plant blowdown from primary zinc production.	(T)
Primary Aluminum:		
K088	Spent potliners from primary aluminum reduction.	(T)
Ferroalloys:		
K090	Emission control dust or sludge from ferrochromiumsilicon production	(T)
K091	Emission control dust or sludge from ferrochromium production	(T)
Secondary Lead:		
K069	Emission control dust/sludge from secondary lead smelting.	(T)
K100	Waste leaching solution from acid leaching of emission control dust/sludge from secondary lead smelting.	(T)
Veterinary Pharmaceuticals:		
K084	Wastewater treatment sludges generated during the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds.	(T)
K101	Distillation tar residues from the distillation of aniline-based compounds in the production of veterinary pharmaceuticals from arsenic or organoarsenic compounds.	(T)
K102	Residue from use of activated carbon for decolorization in the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds.	(T)
Ink Formulation:		
K086	Solvent washes and sludges, caustic washes and sludges, or water washes and sludges from cleaning tubs and equipment used in the formulation of ink from pigments, driers,	(T)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

soaps and stabilizers containing chromium and lead.

Coking:

- K060 Ammonia still lime sludge from coking (T)
operations.
K087 Decanter tank tar sludge from coking (T)
operations.

(Source: Amended at 14 Ill. Reg. , effective)

Appendix C Chemical Analysis Test Methods

The Board incorporates by reference 40 CFR 261, Appendix III -(1986), as amended at 51 Fed. Reg. 37225, October 24, 1986-(1989), as amended at 54 Fed. Reg. 41407, October 6, 1989. This Section incorporates no future editions or modifications.

(Source: Amended at 14 Ill. Reg. , effective)

Appendix G Basis for Listing Hazardous Wastes

EPA Hazardous constituents for which listed
hazardous waste No.

- F001 Tetrachloroethylene, methylene chloride, trichloroethylene, 1,1,1-trichloroethane, carbon tetrachloride, chlorinated fluorocarbons.
F002 Tetrachloroethylene, methylene chloride, trichloroethylene, 1,1,1-trichloroethane, 1,1,2-trichloroethane, chlorobenzene, 1,1,2-trichloro-1,2,2-trifluoroethane, ortho-dichlorobenzene, t-trichlorofluoromethane.
F003 N.A.
F004 Cresols and cresylic acid, nitrobenzene.
F005 Toluene, methyl ethyl ketone, carbon disulfide, isobutanol, pyridine, 2-ethoxyethanol, benzene, 2-nitropropane
F006 Cadmium, hexavalent chromium, nickel, cyanide (complexed).
F007 Cyanide (salts).
F008 Cyanide (salts).
F009 Cyanide (salts).
F010 Cyanide (salts).
F011 Cyanide (complexed).
F012 Hexavalent chromium, cyanide (complexed).
F019 Tetra- and pentachlorodibenzo-p-dioxins; tetra- and pentachlorodibenzofurans; tri- and tetrachlorophenols and their chlorophenoxy derivative acids, esters, ethers, amines and other salts.
F020

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

F021

Penta- and hexachlorodibenzo-p-dioxins; penta- and hexachlorodibenzofurans; pentachlorophenol and its derivatives.
F022 Tetra-, penta- and hexachlorodibenzo-p-dioxins; tetra-, penta- and hexachlorodibenzofurans.

F023

Tetra- and pentachlorodibenzo-p-dioxins; tetra- and pentachlorodibenzofurans; tri- and tetra- chlorophenols and their chlorophenoxy derivative acids, esters, ethers, amines and other salts.

F024

Chloromethane, dichloromethane, trichloromethane, carbon tetrachloride, chloroethylene, 1,1-dichloroethane, 1,2-dichloroethane, trans-1,2-dichloroethylene, 1,1-dichloroethylene, 1,1,1-trichloroethane, 1,1,2-trichloroethane, trichloroethylene, 1,1,1,2-tetrachloroethane, 1,1,2,2-tetrachloroethane, allyl tetrachloroethylene, pentachloroethane, hexachloroethane, allyl chloride (3-chloropropene), dichloropropane, dichloropropene, 2-chloro-1,3-butadiene, hexachloro-1,3-butadiene, hexachlorocyclopentadiene, hexachlorocyclohexane, benzene, chlorobenzene, dichlorobenzenes, 1,2,4-trichlorobenzene, tetrachlorobenzenes, pentachlorobenzene, hexachlorobenzene, toluene, naphthalene. Chloromethane, dichloromethane, trichloromethane; carbon tetrachloride; chloroethylene; 1,1-dichloroethane; 1,2-dichloroethane; trans-1,2-dichloroethylene; 1,1-dichloroethylene; 1,1,1,2-tetrachloroethane; 1,1,2,2-tetrachloroethane; tetra-chloroethylene; pentachloroethane; hexachloroethane; allyl chloride (3-chloropropene); dichloropropane; dichloropropene; 2-chloro-1,3-butadiene; hexachloro-1,3-butadiene; hexachlorocyclopentadiene; benzene; chlorobenzene; dichlorobenzenes; tetrachlorobenzenes; pentachlorobenzene; 1,2,4-trichlorobenzene; dichlorobenzene; 1,2,4-trichlorobenzene; tetrachlorobenzene; pentachlorobenzene; hexachlorobenzene; toluene; naphthalene.

F025

Tetra-, penta-, and hexachlorodibenzo-p-dioxins; tetra-, penta-, and hexachlorodibenzofurans.
F026 Tetra-, penta-, and hexachlorodibenzo-p-dioxins; tetra-, penta-, and hexachlorodibenzofurans; tri-, tetra-, and pentachlorophenols and their chlorophenoxy derivative acids, esters, ethers, amine and other salts.
F027 Tetra-, penta-, and hexachlorodibenzo-p-dioxins; tetra-, penta-, and hexachlorodibenzofurans; tri-, tetra-, and pentachlorophenols and their chlorophenoxy derivative acids, esters, ethers, amine and other salts.
F028 Tetra-, penta-, and hexachlorodibenzo-p-dioxins; tetra-, penta-, and hexachlorodibenzofurans; tri-, tetra-, and pentachlorophenols and their chlorophenoxy derivative acids, esters, ethers, amine and other salts.
K001 Pentachlorophenol, phenol, 2-chlorophenol, p-chloro-m-cresol, 2,4-dimethylphenol, 2,4-dinitrophenol, trichlorophenols, tetrachlorophenols, 2,4-dinitrophenol, cresosote, chrysene, naphthalene, fluoranthene, benzo(b)fluoranthene, benzo(a)pyrene, indeno(1,2,3-cd)pyrene, benz(a)anthracene, dibenz(a)anthracene, acenaphthalene.
K002 Hexavalent chromium, lead.
K003 Hexavalent chromium, lead.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

K004 Hexavalent chromium.
K005 Hexavalent chromium, lead.
K006 Hexavalent chromium.
K007 Cyanide (complexed), hexavalent chromium.
K008 Hexavalent chromium.
K009 Chloroform, formaldehyde, methylene chloride, methyl chloride, paraldehyde, formic acid.
K010 Chloroform, formaldehyde, methylene chloride, methyl chloride, paraldehyde, formic acid, chloroacetaldehyde.
K011 Acrylonitrile, acetonitrile, hydrocyanic acid.
K013 Hydrocyanic acid, acrylonitrile, acetonitrile.
K014 Acetonitrile, acrylamide.
K015 Benzyl chloride, chlorobenzene, toluene, benzotrifluoride.
K016 Hexachlorobenzene, hexachlorobutadiene, carbon tetrachloride, hexachloroethane, perchloroethylene.
K017 Epichlorohydrin, chloroethers [bis(chloromethyl) ether and bis-(2-chloroethyl) ethers], trichloropropane, dichloropropanols.
K018 1,2-dichloroethane, trichloroethylene, hexachlorobutadiene, hexachlorobenzene.
K019 Ethylene dichloride, 1,1,1-trichloroethane, 1,1,2-trichloroethane, tetrachloroethanes (1,1,2,2-tetrachloroethane and 1,1,1,2-tetrachloroethane), trichloroethylene, tetrachloroethylene, carbon tetrachloride, chloroform, vinyl chloride, vinylidene chloride.
K020 Ethylene dichloride, 1,1,1-trichloroethane, 1,1,2-trichloroethane, tetrachloro-ethanes (1,1,2,2-tetrachloroethane and 1,1,1,2-tetrachloroethane), trichloroethylene, tetrachloroethylene, carbon tetrachloride, chloroform, vinyl chloride, vinylidene chloride.
K021 Antimony, carbon tetrachloride, chloroform.
K022 Phenol, tars (polycyclic aromatic hydrocarbons).
K023 Phthalic anhydride, maleic anhydride.
K024 Phthalic anhydride, 1,4-naphthoguinone.
K025 Meta-dinitrobenzene, 2,4-dinitrotoluene.
K026 Paraldehyde, pyridines, 2-picoline.
K027 Toluene diisocyanate, toluene-2, 4-diamine.
K028 1,1,1-trichloroethane, vinyl chloride.
K029 1,2-dichloroethane, 1,1,1-trichloroethane, vinyl chloride, vinylidene chloride, chloroform.
K030 Hexachlorobenzene, hexachlorobutadiene, hexachloroethane, 1,1,1,2-tetrachloroethane, 1,1,2,2-tetrachloroethane, ethylene dichloride.
K031 Arsenic.
K032 Hexachlorocyclopentadiene.
K033 Hexachlorocyclopentadiene.
K034 Hexachlorocyclopentadiene.
K035 Creosote, chrysene, naphthalene, fluoranthene, benzo(b) fluoranthene, benzo(a)-pyrene, indeno(1,2,3-cd) pyrene, benzo(a)anthracene, dibenz(a,a)anthracene, acenaphthalene.
K036 Toluene, phosphorodithioic and phosphorothioic acid esters.
K037 Toluene, phosphorodithioic and phosphorothioic acid esters.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

K038 Phosphate, formaldehyde, phosphorodithioic and phosphorothioic acid esters.
K039 Phosphorodithioic and phosphorothioic acid esters.
K040 Phosphate, formaldehyde, phosphorodithioic and phosphorothioic acid esters.
K041 Toxaphene.
K042 Hexachlorobenzene, ortho-dichlorobenzene.
K043 2,4-dichlorophenol, 2,6-dichlorophenol, 2,4,6-trichlorophenol.
K044 N.A.
K045 N.A.
K046 Lead.
K047 N.A.
K048 Hexavalent chromium, lead.
K049 Hexavalent chromium, lead.
K050 Hexavalent chromium.
K051 Hexavalent chromium, lead.
K052 Lead.
K060 Cyanide, naphthalene, phenolic compounds, arsenic.
K061 Hexavalent chromium, lead, cadmium.
K062 Hexavalent chromium, lead.
K064 Lead, cadmium.
K065 Lead, cadmium.
K066 Lead, cadmium.
K069 Hexavalent chromium, lead, cadmium.
K071 Mercury.
K073 Chloroform, carbon tetrachloride, hexachloroethane, trichloroethane, tetrachloroethylene, dichloroethylene, 1,1,2,2-tetrachloroethane.
K083 Aniline, diphenylamine, nitrobenzene, phenylenediamine.
K084 Arsenic.
K085 Benzene, dichlorobenzenes, trichlorobenzenes, tetrachlorobenzenes, pentachlorobenzene, hexachlorobenzene, benzyl chloride.
K086 Lead, hexavalent chromium.
K087 Phenol, naphthalene.
K088 Cyanide (complexes)
K090 Chromium
K091 Chromium
K093 Phthalic anhydride maleic anhydride.
K094 Phthalic anhydride.
K095 1,1,2-trichloroethane, 1,1,1,2-tetrachloroethane, 1,1,2,2-tetrachloroethane.
K096 1,2-dichloroethane, 1,1,1-trichloroethane, 1,1,2-trichloroethane.
K097 Chloroform, heptachlor.
K098 Toxaphene.
K099 2,4-dichlorophenol, 2,4,6-trichlorophenol.
K100 Hexavalent chromium, lead, cadmium.
K101 Arsenic.
K102 Arsenic.
K103 Aniline, nitrobenzene, phenylenediamine.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- K104 Aniline, benzene, diphenylamine, nitrobenzene, phenylenediamine.
 K105 Benzene, monochlorobenzene, dichlorobenzenes, 2,4,6-trichlorophenol.
 K106 Mercury.
 K111 2,4-Dinitrotoluene.
 K112 2,4-Toluenediamine, o-toluidine, p-toluidine, aniline.
 K113 2,4-Toluenediamine, o-toluidine, p-toluidine, aniline.
 K114 2,4-Toluenediamine, o-toluidine, p-toluidine.
 K115 2,4-Toluenediamine.
 K116 Carbon tetrachloride, tetrachloroethylene, chloroform, phosgene.
 K117 Ethylene dibromide
 K118 Ethylene dibromide
 K123 Ethylene thiourea
 K124 Ethylene thiourea
 K125 Ethylene thiourea
 K126 Ethylene thiourea
 K131 Dimethyl sulfate, methyl bromide
 K132 Methyl bromide
 K136 Ethylene dibromide

N.A.--Waste is hazardous because it fails the test for the characteristic of ignitability, corrosivity or reactivity.

(Source: Amended at 14 Ill. Reg. , effective)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Section 721. Appendix H Hazardous Constituents

Common Name	Chemical Abstracts Name	Chemical Abstracts Number	Hazardous Waste Number
Acetonitrile	Same	75-05-8	U003
Acetophenone	Ethanone, 1-phenyl-	98-86-2	U004
2-Acetylamino fluorene	Acetamide, N-9H-fluorene-2-yl-	53-96-3	U005
Acetyl chloride	Same	75-36-5	U006
1-Acetyl-2-thiourea	Acetamide, N-(aminothioxomethyl)-	591-08-2	P002
Acrolein	2-Propenal	107-02-8	P003
Acrylamide	2-Propenamide	79-06-1	U007
Acrylonitrile	2-Propenenitrile	107-13-1	U009
Aflatoxins	Same	1402-68-2	
Aldicarb	Propanal, 2-methyl-2-(methylthio)-, 0-[(methylamino)carbonyl]oxime	116-06-3	P070
Aldrin	1, 4, 5, 8-Dimethanonaphthalene, 1, 2, 3, 4, 10, 10-hexachloro-1, 4, 4a, 5, 8, 8a-hexahydro-, 1-alpha, 4-alpha, 4a-beta, 5-alpha, 8-alpha, 8a-beta)-	309-00-2	P004
Allyl alcohol	2-Propen-1-ol	107-18-6	P005
Allyl chloride	1-Propene, 3-chloro-	107-18-6	
Aluminum phosphide	Same	20859-73-8	P006
4-Am inobiphenyl	[1,1'-Biphenyl]-4-amine	92-67-1	
5-(Aminomethyl)-3-isoxazolol	3(2H)-isoxazolone, 5-(aminomethyl)-	2763-96-4	P007
4-Aminopyridine	4-Pyridinamine	504-24-5	P008
Anitrole	1H-1,2,4-Triazol-3-amine	61-82-5	U011
Ammonium vanadate	Vanadic acid, ammonium salt	7803-55-6	U119
Aniline	Benzenamine	62-53-3	U012
Antimony	Same	7440-36-0	
Antimony compounds, N.O.S. (not otherwise specified)			
Aramite	Sulfurous acid, 2-chloroethyl-, 2-[(4-(1,1-dimethylethyl)phenoxy)]-1-methylethyl ester	140-57-8	
Arsenic	Arsenic	7440-38-2	
Arsenic compounds, N.O.S.			
Arsenic acid	Arsenic acid H ₃ AsO ₄	7778-39-4	P010
Arsenic pentoxide	Arsenic oxide As ₂ O ₅	1303-28-2	P011
Arsenic trioxide	Arsenic oxide As ₂ O ₃	1327-53-3	P012
Auramine	Benzenamine, 4, 4'-	492-80-8	U014
Azaserine	Carbonimidoylbis[N, N-dimethyl-L-Serine, diazoacetate (ester)]	115-02-6	U015
Barium	Same	7440-39-3	
Barium compounds, N.O.S.			
Barium cyanide	Same	542-62-1	P013

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Benz[cl]acridine	Same	225-51-4	U016
Benz[al]anthracene	Same	56-55-3	U018
Benzal chloride	Benzene, (dichloromethyl)-	98-87-3	U017
Benzene	Same	71-43-2	U018
Benzenearsonic acid	Arsenic acid, phenyl-	98-05-5	U021
Benzidine	[1,1'-Biphenyl]-4,4'-diamine	92-87-5	U021
Benzobifluoranthene	Benz[e]acephenanthrylene	205-99-2	U021
Benzofluoranthene	Same	205-82-3	U021
Benzolalpyrene	Same	50-32-8	U022
p-Benzquinone	2,5-Cyclohexadiene-1,4-dione	106-51-4	U197
Benzotrithloride	Benzene, (trichloromethyl)-	98-07-7	U023
Benzyl chloride	Benzene, (chloromethyl)-	100-44-7	P028
Beryllium	Same	7440-41-7	P015
Beryllium compounds, N.O.S.			
Bromoacetone	2-Propanone, 1-bromo-	598-31-2	P017
Bromoform	Methane, tribromo-	75-25-2	U225
4-Bromophenyl phenyl ether	Benzene, 1-bromo-4-phenoxy-	101-55-3	U030
Brucine	Strychnidin-10-one, 2,3-dimethoxy-	357-57-3	P018
Butyl benzyl phthalate	1,2-Benzenedicarboxylic acid, butyl phenylmethyl ester	85-68-7	
Cacodylic acid	Arsenic acid, dimethyl-	75-60-5	U136
Cadmium	Same	7440-43-9	
Cadmium compounds, N.O.S.			
Calcium chromate	Chromic acid H_2CrO_4 , calcium salt	13765-19-0	U032
Calcium cyanide	Calcium cyanide $Ca(CN)_2$	592-01-8	P021
Carbon disulfide	Same	75-15-0	P022
Carbon oxyfluoride	Carbonic difluoride	353-50-4	U033
Carbon tetrachloride	Methane, tetrachloro-	56-23-5	U211
Chloral	Acetaldehyde, trichloro-	75-87-6	U034
Chlorambucil	Benzenecarboxylic acid, 4-bis(2-chloroethyl)amino-	305-03-3	U035
Chlordane	4, 7-Methano-1H-indene, 1, 2, 4, 5, 6, 7, 8, 8-octachloro-2, 3, 3a, 4, 7, 7a-hexahydro-	57-74-9	U036
Chlordane, alpha and gamma isomers			
Chlorinated benzenes, N.O.S.			
Chlorinated ethane, N.O.S.			
Chlorinated fluorocarbons, N.O.S.			
Chlorinated naphthalene, N.O.S.			
Chlorinated phenol, N.O.S.			
Chloronaphazine	Naphthalenamine, N, N'-bis(2-chloroethyl)-	494-03-1	U026
Chloroacetaldehyde	Acetaldehyde, chloro-	107-20-0	P023
Chloroalkyl ethers, N.O.S.			
p-Chloroaniline	Benzenamine, 4-chloro-	106-47-8	P024
Chlorobenzene	Benzene, chloro-	108-90-7	U037
Chlorobenzilate	Benzenecarboxylic acid, 4-chloro-alpha-(4-chlorophenyl)-alpha-hydroxy-, ethyl ester	510-15-6	U038

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

p-Chloro-m-cresol	Phenol, 4-chloro-3-methyl-	59-50-7	U039
2-Chloroethyl vinyl ether	Ethene, (2-chloroethoxy)-	110-75-8	U042
Chloroform	Methane, trichloro-	67-66-3	U044
Chloromethyl methyl ether	Methane, chloromethoxy-	107-30-2	U046
beta-Chloronaphthalene	Naphthalene, 2-chloro-	91-58-7	U047
o-Chlorophenol	Phenol, 2-chloro-	95-57-8	U048
1-(o-Chlorophenyl)thiourea	Thiourea, (2-chlorophenyl)-	5344-82-1	P026
Chloroprene	1,3-Butadiene, 2-chloro-	126-99-8	
3-Chloropropionitrile	Propanenitrile, 3-chloro-	542-76-7	P027
Chromium	Same	7440-47-3	
Chromium compounds, N.O.S.			
Chrysene	Same	218-01-9	U050
Citrus red No. 2	2-Naphthalenol, 1-[(2, 5-dimethoxyphenyl)azo]-	6358-53-8	
Coal tar creosote	Same	8007-45-2	
Copper cyanide	Copper cyanide $CuCN$	544-92-3	P029
Creosote	Same		U051
Cresols (Cresylic acid)	Phenol, methyl-	1319-77-3	U052
Crotonaldehyde	2-Butenal	4170-30-3	U053
Cyanides (soluble salts and complexes), N.O.S.			P030
Cyanogen	Ethanedinitrile	460-19-5	P031
Cyanogen bromide	Cyanogen bromide $(CN)Br$	506-68-3	U246
Cyanogen chloride	Cyanogen chloride $(CN)Cl$	506-77-4	P033
Cycasin	Beta-D-glucopyranoside, (methyl-oxymethyl)-	14901-08-7	
2-Cyclohexyl-4,6-dinitrophenol	Phenol, 2-cyclohexyl-4,6-dinitro-	131-89-5	P034
Cyclophosphamide	2H-1, 3, 2-Oxazaphosphorin-2-amine, N, N-bis(2-chloroethyl)tetrahydro-, 2-oxide	50-18-0	U058
2,4-D	Acetic acid, (2,4-dichlorophenoxy)-	94-75-7	U240
2,4-D, salts and esters	Acetic acid, (2,4-dichlorophenoxy)- salts and esters		U240
Daunomycin	5, 12-Naphthacenedione, 8-acetyl-10-[(3-amino-2, 3, 6-trideoxy-alpha-L-xylo-hexopyranosyl)oxy]-7, 8, 9, 10-tetrahydro-6, 8, 11-trihydroxy-1-methoxy-, 8S-cis-	20830-81-3	U059
DDO	Benzene, 1,1'-(2,2-dichloroethylidene)bis(4-chloro-	72-54-8	U060
DDE	Benzene, 1,1'-(dichloroethylidene)bis(4-chloro-	72-55-9	
DDT	Benzene, 1,1'-(2,2,2-trichloroethylidene)bis(4-chloro-	50-29-3	U061
Diallylate	Carbamothioic acid, bis(1-methylethyl)-, S-(2, 3-dichloro-2-propenyl) ester	2303-16-4	U062
Dibenz[a,h]acridine	Same	226-36-8	

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Dibenz[a,j]acridine	Same	224-42-0	U063
Dibenz[a,h]anthracene	Same	53-70-3	
7H-Dibenzof[c,h]carbazole	Same	194-59-2	
Dibenzof[a,e]pyrene	Naphtho[1,2,3,4-def]chrysene	192-65-4	
Dibenzof[a,h]pyrene	Dibenzof[b,def]chrysene	189-64-0	U064
Dibenzof[a,i]pyrene	Benzo[flrst]pentaphene	189-55-9	U066
1,2-Dibromo-3-chloropropane	Propane, 1,2-dibromo-3-chloro-	96-12-8	U066
n-Butyl phthalate	1,2-Benzenedicarboxylic acid, n-butyl ester	84-74-2	U069
o-Dichlorobenzene	Benzene, 1,2-dichloro-	95-50-1	U070
m-Dichlorobenzene	Benzene, 1,3-dichloro-	541-73-1	U071
p-Dichlorobenzene	Benzene, 1,4-dichloro-	106-46-7	U072
Dichlorobenzene, N.O.S.	Benzene, dichloro-	25321-22-6	
3,3'-Dichlorobenzidine	[1,1'-Biphenyl]-4,4'-diamine, 3,3'-dichloro-	91-94-1	U073
1,4-Dichloro-2-butene	2-Butene, 1,4-dichloro-	764-41-0	U074
Dichlorodifluoromethane	Methane, dichlorodifluoro-	75-71-8	U075
Dichloroethylene, N.O.S.	Dichloroethylene	25323-30-2	
1,1-Dichloroethylene	Ethene, 1,1-dichloro-	75-35-4	U078
1,2-Dichloroethylene	Ethene, 1,2-dichloro-, (E)-	156-60-5	U079
Dichloroethyl ether	Ethane, 1,1'-oxybis[2-chloro-	111-44-4	U025
Dichloroisopropyl ether	Propane, 2,2'-oxybis[2-chloro-	108-60-1	U027
Dichloromethoxyethane	Ethane, 1,1'-[methylenebis(oxy)]bis[2-chloro-	111-91-1	U024
Dichloromethyl ether	Methane, oxybis[chloro-	542-88-1	P016
2,4-Dichlorophenol	Phenol, 2,4-dichloro-	120-83-2	U081
2,6-Dichlorophenol	Phenol, 2,6-dichloro-	87-65-0	U082
Dichlorophenylarsine	Arsinous dichloride, phenyl-	696-28-6	P036
Dichloropropane, N.O.S.	Propane, dichloro-	26638-19-7	
Dichloropropanol, N.O.S.	Propanol, dichloro-	26545-73-3	
Dichloropropene, N.O.S.	1-Propene, dichloro-	26952-23-8	
1,3-Dichloropropene	1-Propene, 1,3-dichloro-	542-75-6	U084
Dieldrin	2,7:3,6-dimethanonaphth[2,3-b]oxirene, 3,4,5,6,9,9-hexachloro-1a,2,2a,3,6,6a,7,7a-octahydro-, (1a alpha, 2 beta, 2a alpha, 3 beta, 6 beta, 6a alpha, 7 beta, 7a alpha)-	60-57-1	P037
1,2:3,4-Diepoxybutane	2,2'-Bioxirane	1464-53-5	U085
Dieethylarsine	Arsine, dieethyl-	692-42-2	P038
1,4-Diethylenecoxide	1,4-Dioxane	123-91-1	U108
Diethylnonyl phthalate	1,2-Benzenedicarboxylic acid, bis(2-ethylhexyl) ester	117-81-7	U028
N,N'-Dithiophthalazine	Hydrazine, 1,2-dithiyl-	1615-80-1	U086
0,0-Dithiophthalazine	Phosphorodithioic acid, 0,0-dithiyl S-methyl ester	3288-58-2	U087
0,0-Dithiophthalazine	Phosphoric acid, diethyl 4-nitrophenyl ester	311-45-5	P041

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Diethyl phthalate	1,2-Benzenedicarboxylic acid, diethyl ester	84-66-2	U088
0,0-Diethyl 0-pyrazinyl phosphorothioate	Phosphorothioic acid, 0,0-diethyl 0-pyrazinyl ester	297-97-2	P040
Diethylstilbestrol	Phenol, 4,4'-(1,2-diethyl-1,2-ethenediyl)bis-, (E)-	56-53-1	U089
Dihydrosafrole	1,3-Benzodioxole, 5-propyl-	94-58-6	U090
Difisopropylfluorophosphate (DFP)	Phosphorofluoric acid, bis(1-methylethyl) ester	55-91-4	P043
Dimethoate	Phosphorodithioic acid, 0,0-dimethyl S-[2-(methylamino)-2-oxoethyl] ester	60-51-5	P044
3,3'-Dimethoxybenzidine	[1,1'-Biphenyl]-4,4'-diamine, 3,3'-dimethoxy-	119-90-4	U091
p-Dimethylaminoazobenzene	Benzenamine, N,N-dimethyl-4-(phenylazo)-	60-11-7	U093
7,12-Dimethylbenz[a]anthracene	Benz[a]anthracene, 7,12-dimethyl-	57-97-6	U094
3,3'-Dimethylbenzidine	[1,1'-Biphenyl]-4,4'-diamine, 3,3'-dimethyl-	119-93-7	U095
Dimethylcarbamoyl chloride	Carbamic chloride, dimethyl-	79-44-7	U097
1,1-Dimethylhydrazine	Hydrazine, 1,1-dimethyl-	57-14-7	U098
1,2-Dimethylhydrazine	Hydrazine, 1,2-dimethyl-	540-73-8	U099
alpha, alpha-Dimethylphenethylamine	Benzenethanamine, alpha, alpha, dimethyl-	122-09-8	P046
2,4-Dimethylphenol	Phenol, 2,4-dimethyl-	105-67-9	U101
Dimethylphthalate	1,2-Benzenedicarboxylic acid, dimethyl ester	131-11-3	U102
Dimethyl sulfate	Sulfuric acid, dimethyl ester	77-78-1	U103
Dinitrobenzene, N.O.S.	Benzene, dinitro-	25154-54-5	
4,6-Dinitro-o-cresol	Phenol, 2-methyl-4,6-dinitro-	534-52-1	P047
4,6-Dinitro-o-cresol salts	Phenol, 2,4-dinitro-	51-28-5	P048
2,4-Dinitrophenol	Benzene, 1-methyl-2,4-dinitro-	121-14-2	U105
2,4-Dinitrotoluene	Benzene, 2-methyl-1,3-dinitro-	606-20-2	U106
2,6-Dinitrotoluene	Phenol, 2-(1-methylpropyl)-4,6-dinitro-	88-85-7	P020
Dinoseb	1,2-Benzenedicarboxylic acid, dioctyl ester	117-84-0	U107
Di-n-octyl phthalate	Benzenamine, N-phenyl-	122-39-4	
Diphenylamine	Hydrazine, 1,2-diphenyl-	122-66-7	U109
1,2-Diphenylhydrazine	1-Propanamine, N-nitroso-N-propyl-	621-64-7	U111
Dip-n-propyl nitrosamine	Phosphorothioic acid, 0,0-diethyl S-[2-(ethylthio)ethyl] ester	298-04-4	P039
Dissulfoton	Thioimidicarbonyl diamide	541-53-7	P049
Dithioburet	[H ₂ N(CS)] ₂ NH	115-29-7	P050
Endosulfan	pen, 6, 7, 8, 9, 10, 10-hexachloro-1, 5, 5a, 6, 9a-hexahydro-, 3-oxide,		

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Mercury fulminate	628-86-4	P065	Fulminic acid, mercury (2+) salt
Methacrylonitrile	126-98-7	U152	2-Propenenitrile, 2-methyl-
Methacrylonitrile	91-80-5	U155	1,2-Ethanediamine, N,N-dimethyl-N'-2-pyridylmethyl-N'-(2-thienylmethyl)-
Methoxytol	16752-77-5	P066	Ethanimidic acid, N-[[[(methylamino)carbonyl]oxy]-, methyl ester
Methoxychlor	72-43-5	U247	Benzene, 1,1'-(2,2,2-trichloroethylidene)bis[4-methoxy-
Methyl bromide	74-83-9	U029	Methane, bromo-
Methyl chloride	74-87-3	U045	Methane, chloro-
Methylchlorocarbonate	79-22-1	U256	Carbonochloridic acid, methyl ester
Methyl chloroform	71-55-6	U226	Ethane, 1,1,1-trichloro-
3-Methylcholanthrene	56-49-5	U157	Benz[<i>a</i>]aceanthrylene, 1,2-dihydro-3-methyl-
4,4'-Methylenbis(2-chloroaniline)	101-14-4	U158	Benzenamine, 4,4'-methylenebis[2-chloro-
Methylene bromide	74-95-3	U068	Methane, dibromo-
Methylene chloride	75-09-2	U080	Methane, dichloro-
Methyl ethyl ketone (MEK)	78-93-3	U159	2-Butanone
Methyl ethyl ketone peroxide	1338-23-4	U160	2-Butanone, peroxide
Methyl hydrazine	60-34-4	P068	Hydrazine, methyl-
Methyl iodide	74-88-4	U138	Methane, iodo-
Methyl isocyanate	62-4-83-9	P064	Methane, isocyanato-
2-Methyl lactonitrile	75-86-5	P069	Propanenitrile, 2-hydroxy-2-methyl-
Methyl methacrylate	80-62-6	U162	2-Propenoic acid, 2-methyl-, methyl ester
Methyl methanesulfonate	66-27-3	P071	Methanesulfonic acid, methyl ester
Methyl parathion	298-00-0	P071	Phosphorothioic acid, O,O-dimethyl O-(4-nitrophenyl) ester
Methylthiouracil	56-04-2	U164	4-(1H)-Pyrimidinone, 2,3-dihydro-6-methyl-2-thio-
Mitomycin C	50-07-7	U010	Azirino[2',3':3,4]pyrrolo[1,2-a]indole-4,7-dione, 6-amino-8-[[[(aminocarbonyl)oxymethyl]-1,1a,2,8,8a,8b-hexahydro-8a-methoxy-5-methyl-, [1a-5-(1a alpha, 8 beta, 8a alpha, 8b alpha)]-,
MNNG	70-25-7	U163	Guanidine, N-methyl-N'-nitro-N-nitroso-
Mustard gas	505-60-2		Ethane, 1,1'-thiobis[2-chloro-
Naphthalene	91-20-3	U165	Same
1,4-Naphthoquinone	130-15-4	U166	1,4-Naphthalenedione
alpha-Naphthylamine	134-32-7	U167	1-Naphthalenamine
beta-Naphthylamine	91-59-8	U168	2-Naphthalenamine
alpha-Naphthylthiourea	86-88-4	P072	Thiourea, 1-naphthalenyl-
Nickel	7440-02-0		Same
Nickel compounds, N.O.S.	13463-39-3	P073	Nickel carbonyl Ni(CO) ₄ , (T-4)-
Nickel carbonyl			

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Nickel cyanide	557-19-7	P074	Nickel cyanide Ni(CN) ₂
Nicotine	54-11-5	P075	Pyridine, 3-(1-methyl-2-pyrrolidyl)-, (S)-
Nicotine salts		P075	
Nitric oxide	10102-43-9	P076	Nitrogen oxide NO
p-Nitroaniline	100-01-6	P077	Benzenamine, 4-nitro-
Nitrobenzene	98-95-3	P078	Benzene, nitro-
Nitrogen dioxide	10102-44-0	P078	Nitrogen oxide NO ₂
Nitrogen mustard	51-75-2		Ethanamine, 2-chloro-N-(2-chloroethyl)-N-methyl-
Nitrogen mustard, hydrochloride salt			
Nitrogen mustard N-oxide	126-85-2		Ethanamine, 2-chloro-N-(2-chloroethyl)-N-methyl-, N-oxide
Nitrogen mustard, N-oxide, hydrochloride salt			
Nitroglycerin	55-63-0	P081	1,2,3-Propanetriol, trinitrate
p-Nitrophenol	100-02-7	U170	Phenol, 4-nitro-
2-Nitropropane	79-46-9	U171	Propane, 2-nitro-
Nitrosamines, N.O.S.	35576-91-1		
N-Nitrosodipropylamine	924-16-3	U172	1-Butanamine, N-butyl-N-nitroso-
N-Nitrosodichloroamine	1116-54-7	U173	Ethanol, 2,2-(nitrosoimino)bis-
N-Nitrosodimethylamine	55-18-5	U174	Ethanamine, N-ethyl-N-nitroso-
N-Nitrosodimethylamine	62-75-9	P082	Methanamine, N-methyl-N-nitroso-
N-Nitroso-N-ethylurea	759-73-9	U176	Urea, N-ethyl-N-nitroso-
N-Nitrosomethylurethane	10595-95-6		Ethanamine, N-methyl-N-nitroso-
N-Nitroso-N-methylurea	684-93-5	U177	Urea, N-methyl-N-nitroso-
N-Nitroso-N-methylurethane	615-53-2	U178	Carbamic acid, methylnitroso-, ethyl ester
N-Nitrosomethylurethane	4549-40-0	P084	Vinylamine, N-methyl-N-nitroso-
N-Nitrosomorpholine	59-89-2		Morpholine, 4-nitroso-
N-Nitrosornicotine	16543-55-8		Pyridine, 3-(1-nitroso-2-pyrrolidyl)-, (S)-
N-Nitrosopiperidine	100-75-4	U179	Piperidine, 1-nitroso-
N-Nitrosopyrrolidine	930-55-2	U180	Pyrrolidine, 1-nitroso-
N-Nitrososarcosine	13256-22-9		Glycine, N-methyl-N-nitroso-
5-Nitro-o-toluidine	99-55-8	U181	Benzenamine, 2-methyl-5-nitro-
Octamethylpyrophosphoramide	152-16-9	P085	Diphosphoramide, octamethyl-
Osmium tetroxide	20816-12-0	P087	Osmium oxide OsO ₄ , (T-4)
Paraldehyde	123-63-7	U182	1,3,5-Trioxane, 2,4,6-trimethyl-
Parathion	56-38-2	P089	Phosphorothioic acid, O,O-diethyl O-(4-nitrophenyl) ester
Pentachlorobenzene	608-93-5	U183	Benzene, pentachloro-
Pentachlorodibenzop-dioxins			
Pentachlorodibenzofurans			
Pentachloroethane			
Pentachloronitrobenzene (PCNB)			
Pentachlorophenol			
Phenacetin			

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Phenol	Same	108-95-2	U188
Phenylendiamine	Benzenediamine	252-65-76-3	
Phenylmercury acetate	Mercury, (aceto-o)phenyl-	62-38-4	P092
Phenylthiourea	Thiourea, phenyl-	103-85-5	P093
Phosgene	Carbonic dichloride	75-44-5	P095
Phosphine	Same	7803-51-2	P096
Phosphate	Phosphorothioic acid, 0,0-diethyl S-[(ethylthio)methyl] ester	298-02-2	P094
Phthalic acid esters, N. O. S.			
Phthalic anhydride	1,3-Isobenzofuran-1-one	85-44-9	U190
2-Picoline	Pyridine, 2-methyl-	109-06-8	U191
Polychlorinated biphenyls, N. O. S.			
Potassium cyanide	Same	151-50-8	P098
Potassium silver cyanide	Argentate(1-), bis(cyano-C)-, potassium	506-61-6	P099
Pronamide	Benzamide, 3,5-dichloro-N-(1,1-dimethyl-2-propenyl)-	23950-58-5	U192
1,3-Propane sultone	1,2-Oxathiolane, 2,2-dioxide	1120-71-4	U193
n-Propylamine	1-Propanamine	107-10-8	U194
Propargyl alcohol	2-Propyn-1-ol	107-19-7	P102
Propylene dichloride	Propane, 1,2-dichloro-	78-87-5	U083
1,2-Propyleneimine	Aziridine, 2-methyl-	75-55-8	P067
Propylthiouracil	4(1H)-Pyrimidinone, 2,3-dihydro-6-propyl-2-thioxo-	51-52-5	
Pyridine	Same	110-86-1	U196
Reserpine	Yohimban-16-carboxylic acid, 11, 17-dimethoxy-18-[3, 4, 5-trimethoxybenzoyloxy]-, methyl ester, (3 beta, 16 beta, 17 alpha, 18 beta, 20 alpha)-	50-55-5	U200
Resorcinol	1,3-Benzenediol	108-46-3	U201
Saccharin	1,2-Benzisothiazol-3(2H)-one, 1,1-dioxide	81-07-2	U202
Saccharin salts			
Safrole	1,3-Benzenediol	94-59-7	U203
Selenium	Same	7782-49-2	
Selenium compounds, N. O. S.			
Selenium dioxide	Selenious acid	7783-00-8	U204
Selenium sulfide	Selenium sulfide SeS ₂	7488-56-4	U205
Selenourea	Same	630-10-4	P103
Silver	Same	7440-22-4	
Silver compounds, N. O. S.			
Silver cyanide	Silver cyanide AgCN	506-64-9	P104
Silvex (2,4,5-TP)	Propanoic acid, 2-(2,4,5-trichlorophenoxy)-	93-72-1	See F027
Sodium cyanide	Sodium cyanide NaCN	143-33-9	P106
Streptozotocin	D-glucose, 2-deoxy-2-[(methylnitrosoamino)carbonyl]amino]-	18883-66-4	U206

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Strychnine	Strychnidine-10-one	57-24-9	P108
Strychnine salts			P108
TCDD	Dibenzo[b,e][1,4]dioxin, 2,3,7,8-tetrachloro-	1746-01-6	
1,2,4,5-Tetrachlorobenzene	Benzenene, 1,2,4,5-tetrachloro-	95-94-3	U207
Tetrachlorodibenzo-p-dioxins			
Tetrachlorodibenzofurans			
Tetrachloroethane, N. O. S.	Ethane, tetrachloro-, N. O. S.	25322-20-7	
1,1,1,2-Tetrachloroethane	Ethane, 1,1,1,2-tetrachloro-	630-20-6	U208
1,1,2,2-Tetrachloroethane	Ethane, 1,1,2,2-tetrachloro-	79-34-5	U209
Tetrachloroethylene	Ethane, tetrachloro-	127-18-4	U210
2,3,4,6-Tetrachlorophenol	Phenol, 2,3,4,6-tetrachloro-	58-90-2	See F027
Tetraethylidithiopyrophosphate	Thiodiphosphoric acid, tetraethyl ester	3689-24-5	P109
Tetraethyl lead	Plumbane, tetraethyl-	78-00-2	P110
Tetraethylpyrophosphate	Diphosphoric acid, tetraethyl ester	107-49-3	P111
Tetranitromethane	Methane, tetranitro-	509-14-8	P112
Thallium	Same	7440-28-0	
Thallium compounds			
Thallium oxide	Thallium oxide Tl ₂ O ₃	1314-32-5	P113
Thallium (I) acetate	Acetic acid, thallium (1+) salt	563-68-8	U214
Thallium (I) carbonate	Carbonic acid, dithallium (1+) salt	6533-73-9	U215
Thallium (I) chloride	Thallium chloride TlCl	7791-12-0	U216
Thallium (I) nitrate	Nitric acid, thallium (1+) salt	10102-45-1	U217
Thallium selenite	Selenious acid, dithallium (1+) salt	12039-52-0	P114
Thallium (I) sulfate	Sulfuric acid, dithallium (1+) salt	7446-18-6	P115
Thioacetamide	Ethanethioamide	62-55-5	U218
Thiofanox	2-Butanone, 3,3-dimethyl-1-(methylthio)-, 0-[(methylamino)carbonyl]oxime	39196-18-4	P045
Thiomethanol	Methanethiol	74-93-1	U153
Thiophenol	Benzenethiol	108-98-5	P014
Thiosemicarbazide	Hydrazinecarbothioamide	79-19-6	P116
Thiourea	Same	62-56-6	P219
Thiram	Thiooxydicarbonic diamide	137-26-8	U244
Toluene	[(H ₂ N)(S)] ₂ , tetramethyl-Benzenediamine, ar-methyl-	108-88-3	U220
Toluenediamine	Benzenediamine, ar-methyl-	25376-45-8	U221
Toluene-2,4-diamine	1,3-Benzenediamine, 4-methyl-	95-80-7	
Toluene-2,6-diamine	1,3-Benzenediamine, 2-methyl-	823-40-5	
Toluene-3,4-diamine	1,2-Benzenediamine, 4-methyl-	496-72-0	
Toluene dithiocyanate	Benzenene, 1,3-dithiocyanatomethyl-	26471-62-5	U223
o-Toluidine	Benzenamine, 2-methyl-	95-53-4	U328
o-Toluidine hydrochloride	Benzenamine, 2-methyl-, hydrochloride	636-21-5	U222
p-Toluidine	Benzenamine, 4-methyl-	106-49-0	U353

POLLUTION CONTROL BOARD
NOTICE OF PROPOSED AMENDMENTS

Toxaphene	Same	8001-35-2 P123
1,2,4-Trichlorobenzene	Benzene, 1,2,4-trichloro-	120-82-1
1,1,2-Trichloroethane	Ethane, 1,1,2-trichloro-	79-00-5 U227
Trichloroethylene	Ethene, trichloro-	79-01-6 U228
Trichloroethanol	Methanol, trichloro-	75-70-7 P118
Trichloroethoxyfluoromethane	Methane, trichloroethoxy-	U121
2,4,5-Trichlorophenol	Phenol, 2,4,5-trichloro-	95-95-4 See F027
2,4,6-Trichlorophenol	Phenol, 2,4,6-trichloro-	88-06-2 See F027
2,4,5-T	Acetic acid, (2,4,5-trichlorophenoxy)-	93-76-5 See F027
Trichloropropane, N.O.S.	Propane, 1,2,3-trichloro-	25735-29-9
1,2,3-Trichloropropane	Phosphorothioic acid, 0,0,0-triethyl ester	96-18-4
0,0,0-Triethyl phosphorothioate		126-68-1
1,3,5-Trinitrobenzene	Benzene, 1,3,5-trinitro-	99-35-4 U234
Tris(1-aziridinyl)phosphine sulfide	Aziridine, 1,1,1-	52-24-4
T-Is(2,3-dibromopropyl) phosphate	Phosphorothioic acid, 0,0,0-triethyl ester	126-72-7 U235
Trypan blue	2,7-Naphthalenedisulfonic acid, 3,3'-diyl)bis(azo)bis(5-amino-4-hydroxy-, tetrasodium salt	72-57-1 U236
Uracil mustard	2,4-(1H,3H)-Pyrimidinone, 5-[bis(2-chloroethyl)amino]-	66-75-1 U237
Vanadium pentoxide	Vanadium oxide V ₂ O ₅	1314-62-1 P120
Vinyl chloride	Ethene, chloro-	75-01-4 U043
Warfarin	2H-1-Benzopyran-2-one, 4-hydroxy-3-(3-oxo-1-phenylbutyl)-, when present at concentrations less than 0.3%.	81-81-2 U248
Warfarin	2H-1-Benzopyran-2-one, 4-hydroxy-3-(3-oxo-1-phenylbutyl)-, when present at concentrations greater than 0.3%.	81-81-2 P001
Warfarin salts, when present at concentrations less than 0.3%.		U248
Warfarin salts, when present at concentrations greater than 0.3%.		P001
Zinc cyanide	Zinc cyanide Zn(CN) ₂	557-21-1 P121
Zinc phosphide	Zinc phosphide P ₂ Zn ₃ , when present at concentrations greater than 10%.	1314-84-7 P122
Zinc phosphide	Zinc phosphide P ₂ Zn ₃ , when present at concentrations of 10% or less.	1314-84-7 U249

(Source: Amended at 14 Ill. Reg. , effective)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage and Disposal Facilities
- 2) Code Citation: 35 Ill. Adm. Code 725
- 3) Section Numbers:
725.113, 725.212, 725.213, 725.242
Proposed Action:
Amendment
- 4) Statutory Authority: Ill. Rev. Stat. 1988 Supp., ch. 111 1/2, pars. 1022.4 and 1027.
- 5) A Complete Description of the Subjects and Issues Involved:

A complete description is contained in the Board's Proposed Opinion of April 12, 1990, in R90-2, which Opinion is available from the address below. Section 22.4(a) of the Environmental Protection Act (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 1022.4(a)) provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.

This rulemaking updates the Board's RCRA hazardous waste rules to correspond with amendments adopted by USEPA which appeared in the Federal Register during the period July 1 through December 31, 1989.

These amendments allow certain hazardous waste management units which have received the final volume of hazardous waste to remain open to receive only non-hazardous wastes. In Section 724.213(e), the Board has proposed to utilize the adjusted standards procedures of Section 28.1 of the Act, and 35 Ill. Adm. Code 106, to authorize surface impoundments which do not meet liner and leachate collection requirements to remain open. The operator is required to remove hazardous liquids and sludges, and to develop a contingent corrective measures plan.

- 6) Will this proposed rule replace an emergency rule currently in effect? No.
- 7) Does this rulemaking contain an automatic repeal date? No.
- 8) Does this proposed Amendment contain incorporations by reference? No.
- 9) Are there any other amendments pending on this Part? No.
- 10) Statement of Statewide Policy Objectives:

This rulemaking is mandated by Section 22.4(a) of the Environmental Protection Act, and by the federal Resource Conservation and Recovery Act. (42 U.S.C. 6901 et seq.) The statewide policy objectives are set

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

forth in Section 20 of the Environmental Protection Act. This rulemaking imposes mandates on units of local government only to the extent that they may be involved in the treatment, storage or disposal of hazardous waste.

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference Docket R90-2 and be addressed to:

Ms. Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center, Suite 11-500
100 W. Randolph St.
Chicago, IL 60601

- 12) Initial Regulatory Flexibility Analysis:

A) Date rule was submitted to the Small Business Office of the Department of Commerce and Community Affairs: April 18, 1990

B) Types of small businesses affected:

The existing rules and proposed amendments affect small businesses which treat, store or dispose of hazardous waste. The amendments allow persons which have certain hazardous waste management units to postpone closure if they accept only non-hazardous waste in the future.

C) Reporting, bookkeeping or other procedures required for compliance:

The existing rules and proposed amendments require extensive reporting, bookkeeping and other procedures, including the preparation of manifests and annual reports, waste analyses and maintenance of operating records. Most operators wishing to avoid immediate closure would file a Part B permit application pursuant to 35 Ill. Adm. Code 703 with the Environmental Protection Agency. Operators of surface impoundments would be required to obtain an adjusted standard pursuant to Section 28.1 of the Act and 35 Ill. Adm. Code 106.

D) Types of professional skills necessary for compliance:

Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist and registered professional engineer.

The full text of the Proposed Amendment begins on the next page:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE G: WASTE DISPOSAL
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER C: HAZARDOUS WASTE OPERATING REQUIREMENTS

PART 725

INTERIM STATUS STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS
WASTE TREATMENT, STORAGE AND DISPOSAL FACILITIES

SUBPART A: GENERAL PROVISIONS

Purpose, Scope and Applicability
Imminent Hazard Action

Section
725.101
725.104

SUBPART B: GENERAL FACILITY STANDARDS

Applicability
USEPA Identification Number
Required Notices
General Waste Analysis
Security
General Inspection Requirements
Personnel Training
General Requirements for Ignitable, Reactive or Incompatible Wastes
Location Standards

Section
725.110
725.111
725.112
725.113
725.114
725.115
725.116
725.117
725.118

SUBPART C: PREPAREDNESS AND PREVENTION

Applicability
Maintenance and Operation of Facility
Required Equipment
Testing and Maintenance of Equipment
Access to Communications or Alarm System
Required Aisle Space
Arrangements with Local Authorities

Section
725.130
725.131
725.132
725.133
725.134
725.135
725.137

SUBPART D: CONTINGENCY PLAN AND EMERGENCY PROCEDURES

Applicability
Purpose and Implementation of Contingency Plan
Content of Contingency Plan
Copies of Contingency Plan
Amendment of Contingency Plan
Emergency Coordinator
Emergency Procedures

Section
725.150
725.151
725.152
725.153
725.154
725.155
725.156

SUBPART E: MANIFEST SYSTEM, RECORDKEEPING AND REPORTING

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Section	Applicability
725.170	Use of Manifest System
725.171	Manifest Discrepancies
725.172	Operating Record
725.173	Availability, Retention and Disposition of Records
725.174	Annual Report
725.175	Unmanifested Waste Report
725.176	Additional Reports
725.177	

SUBPART F: GROUNDWATER MONITORING

Section	Applicability
725.190	Groundwater Monitoring System
725.191	Sampling and Analysis
725.192	Preparation, Evaluation and Response
725.193	Recordkeeping and Reporting
725.194	

SUBPART G: CLOSURE AND POST-CLOSURE

Section	Applicability
725.210	Closure Performance Standard
725.211	Closure Plan; Amendment of Plan
725.212	Closure; Time Allowed for Closure
725.213	Disposal or Decontamination of Equipment, Structures and Soils
725.214	Certification of Closure
725.215	Survey Plat
725.216	Post-closure Care and Use of Property
725.217	Post-closure Plan; Amendment of Plan
725.218	Post-closure Notices
725.219	Certification of Completion of Post-closure Care
725.220	

SUBPART H: FINANCIAL REQUIREMENTS

Section	Applicability
725.240	Definitions of Terms as Used in this Subpart
725.241	Cost Estimate for Closure
725.242	Financial Assurance for Closure
725.243	Cost Estimate for Post-closure Care
725.244	Financial Assurance for Post-closure Monitoring and Maintenance
725.245	Use of a Mechanism for Financial Assurance of Both Closure and Post-closure Care
725.246	Liability Requirements
725.247	Incapacity of Owners or Operators, Guarantors or Financial Institutions
725.248	Promulgation of Forms (Repealed)
725.251	

SUBPART I: USE AND MANAGEMENT OF CONTAINERS

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Section	Applicability
725.270	Condition of Containers
725.271	Compatibility of Waste with Container
725.272	Management of Containers
725.273	Inspections
725.274	Special Requirements for Ignitable or Reactive Waste
725.275	Special Requirements for Incompatible Wastes
725.277	

SUBPART J: TANK SYSTEMS

Section	Applicability
725.290	Assessment of Existing Tank System's Integrity
725.291	Design and Installation of New Tank Systems or Components
725.292	Containment and Detection of Releases
725.293	General Operating Requirements
725.294	Inspections
725.295	Response to leaks or spills and disposition of Tank Systems
725.296	Closure and Post-Closure Care
725.297	Special Requirements for Ignitable or Reactive Waste
725.298	Special Requirements for Incompatible Wastes
725.299	Waste Analysis and Trial Tests
725.300	Generators of 100 to 1000 kg/mo.
725.301	

SUBPART K: SURFACE IMPOUNDMENTS

Section	Applicability
725.320	Design Requirements
725.321	General Operating Requirements
725.322	Containment System
725.323	Waste Analysis and Trial Tests
725.325	Inspections
725.326	Closure and Post-Closure Care
725.328	Special Requirements for Ignitable or Reactive Waste
725.329	Special Requirements for Incompatible Wastes
725.330	

SUBPART L: WASTE PILES

Section	Applicability
725.350	Protection from Wind
725.351	Waste Analysis
725.352	Containment
725.353	Design Requirements
725.354	Special Requirements for Ignitable or Reactive Waste
725.355	Special Requirements for Incompatible Wastes
725.357	Closure and Post-Closure Care
725.358	

SUBPART M: LAND TREATMENT

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Section
725.370
725.372
725.373
725.376
725.378
725.379
725.380
725.381
725.382

Applicability
General Operating Requirements
Waste Analysis
Food Chain Crops
Unsaturated Zone (Zone of Aeration) Monitoring
Recordkeeping
Closure and Post-closure
Special Requirements for Ignitable or Reactive Waste
Special Requirements for Incompatible Wastes

SUBPART N: LANDFILLS

Section
725.400
725.401
725.402
725.409
725.410
725.412
725.413
725.414
725.415
725.416

Applicability
Design Requirements
General Operating Requirements
Surveying and Recordkeeping
Closure and Post-closure
Special Requirements for Ignitable or Reactive Waste
Special Requirements for Incompatible Wastes
Special Requirements for Liquid Wastes
Special Requirements for Containers
Disposal of Small Containers of Hazardous Waste in Overpacked Drums (Lab Packs)

SUBPART O: INCINERATORS

Section
725.440
725.441
725.445
725.447
725.451
725.452

Applicability
Waste Analysis
General Operating Requirements
Monitoring and Inspection
Closure
Interim Status Incinerators Burning Particular Hazardous Wastes

SUBPART P: THERMAL TREATMENT

Section
725.470
725.473
725.475
725.477
725.481
725.482
725.483

Other Thermal Treatment
General Operating Requirements
Waste Analysis
Monitoring and Inspections
Closure
Open Burning; Waste Explosives
Interim Status Thermal Treatment Devices Burning Particular Hazardous Waste

SUBPART Q: CHEMICAL, PHYSICAL AND BIOLOGICAL TREATMENT

Section
725.500

Applicability

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

725.501
725.502
725.503
725.504
725.505
725.506

General Operating Requirements
Waste Analysis and Trial Tests
Inspections
Closure
Special Requirements for Ignitable or Reactive Waste
Special Requirements for Incompatible Wastes

SUBPART R: UNDERGROUND INJECTION

Section
725.530

Applicability
Recordkeeping Instructions
EPA Report Form and Instructions (Repealed)
EPA Interim Primary Drinking Water Standards
Tests for Significance
Examples of Potentially Incompatible Waste

AUTHORITY: Implementing Section 22.4 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1988 Supp., ch. 111-1/2, pars. 1022.4 and 1027).

SOURCE: Adopted in R81-22, 43 PCB 427, at 5 Ill. Reg. 9781, effective as noted in 35 Ill. Adm. Code 700.106; amended and codified in R81-22, 45 PCB 317, at 6 Ill. Reg. 4828, effective as noted in 35 Ill. Adm. Code 700.106; amended in R82-18, 51 PCB 831, at 7 Ill. Reg. 2519, effective February 22, 1983; amended in R82-19, 53 PCB 131, at 7 Ill. Reg. 14034, effective October 12, 1983; amended in R84-9, at 9 Ill. Reg. 11869, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 1085, effective January 2, 1986; amended in R86-1 at 10 Ill. Reg. 14069, effective August 12, 1986; amended in R86-23 at 11 Ill. Reg. 6044, effective March 24, 1987; amended in R86-46 at 11 Ill. Reg. 13489, effective August 4, 1987; amended in R87-5 at 11 Ill. Reg. 19338, effective November 10, 1987; amended in R87-26 at 12 Ill. Reg. 2485, effective January 15, 1988; amended in R87-39 at 12 Ill. Reg. 13027, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 437, effective December 28, 1988; amended in R89-1 at 13 Ill. Reg. 18354, effective November 13, 1989; amended in R90-2 at 14 Ill. Reg. , effective

SUBPART B: GENERAL FACILITY STANDARDS

Section 725.113 General Waste Analysis

a) Waste analysis:

- 1) Before an owner or operator treats, stores or disposes of any hazardous waste, or non-hazardous waste if applicable under Section 725.213(d), the owner or operator shall obtain a detailed chemical and physical analysis of a representative

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

sample of the waste. ~~At a minimum, this analysis must contain all the information which must be known to treat, store or dispose of the waste in accordance with the requirements of this part and 35 Ill. Adm. Code 728.~~

- 2) The analysis may include data developed under 35 Ill. Adm. Code 721 and existing published or documented data on the hazardous waste or on waste generated from similar processes.

BOARD NOTE: For example, the facility's record of analyses performed on the waste before the effective date of these regulations or studies conducted on hazardous waste generated from processes similar to that which generated the waste to be managed at the facility may be included in the data base required to comply with subsection (a)(1). The owner or operator of an off-site facility may arrange for the generator of the hazardous waste to supply part or all of the information required by subsection (a)(1). If the generator does not supply the information and the owner or operator chooses to accept a hazardous waste, the owner or operator is responsible for obtaining the information required to comply with this Section.

- 3) The analysis must be repeated as necessary to ~~insure~~ ensure that it is accurate and ~~up-to-date-up to~~ date. At a minimum, the analysis must be repeated:

- A) When the owner or operator is notified, or has reason to believe, that the process or operation generating the hazardous waste, or non-hazardous waste if applicable under Section 725.213(d), has changed; and

- B) For off-site facilities, when the results of the inspection required in subsection (a)(4) indicate that the hazardous waste received at the facility does not match the waste designated on the accompanying manifest or shipping paper.

- 4) The owner or operator of an off-site facility shall inspect and, if necessary, analyze each hazardous waste movement received at the facility to determine whether it matches the identity of the waste specified on the accompanying manifest or shipping paper.

b) The owner or operator shall develop and follow a written waste analysis plan which describes the procedures which the owner or operator will carry out to comply with subsection (a). The owner or operator shall keep this plan at the facility. At a minimum, the plan must specify:

- 1) The parameters for which each hazardous waste, or non-hazardous

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

waste if applicable under Section 725.213(d), will be analyzed and the rationale for the selection of these parameters (i.e., how analysis for these parameters will provide sufficient information on the waste's properties to comply with subsection (a).

- 2) The test methods which will be used to test for these parameters.
- 3) The sampling method which will be used to obtain a representative sample of the waste to be analyzed. A representative sample may be obtained using either:
 - A) One of the sampling methods described in 35 Ill. Adm. Code 721, Appendix A or
 - B) An equivalent sampling method.

BOARD NOTE: See 35 Ill. Adm. Code 720.120(c) for related discussion.

- 4) The frequency with which the initial analysis of the waste will be reviewed or repeated to ensure that the analysis is accurate and up-to-date.

- 5) For off-site facilities, the waste analyses that hazardous waste generators have agreed to supply.

- 6) Where applicable, the methods which will be used to meet the additional waste analysis requirements for specific waste management methods as specified in Sections 725.293, 725.325, 725.352, 725.373, 725.414, 725.441, 725.475 and 725.502, and 35 Ill. Adm. Code 728.107. And,

- 7) For surface impoundments exempted from land disposal restrictions under 35 Ill. Adm. Code 728.104(a), the procedures and schedules for:
 - A) The sampling of impoundment contents;
 - B) The analysis of test data; and,
 - C) The annual removal of residues which are not delisted under 35 Ill. Adm. Code 720.122 or which exhibit a characteristic of hazardous waste, and either:
 - i) Do not meet applicable treatment standards of 35 Ill. Adm. Code 728, Subpart D; or

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- ii) Where no treatment standards have been established: Such residues are prohibited from land disposal under 35 Ill. Adm. Code 728.132 or 728.139; or such residues are prohibited from land disposal under 35 Ill. Adm. Code 728.133(f).
- c) For off-site facilities, the waste analysis plan required in subsection (b) must also specify the procedures which will be used to inspect and, if necessary, analyze each movement of hazardous waste received at the facility to ensure that it matches the identity of the waste designated on the accompanying manifest or shipping paper. At a minimum, the plan must describe:

- 1) The procedures which will be used to determine the identity of each movement of waste managed at the facility; and
- 2) The sampling method which will be used to obtain a representative sample of the waste to be identified, if the identification method includes sampling.

(Source: Amended at 14 Ill. Reg. , effective)

SUBPART G: CLOSURE AND POST-CLOSURE

Section 725.212 Closure Plan; Amendment of Plan

- a) Written plan. The owner or operator of a hazardous waste management facility shall have a written closure plan. Until final closure is completed and certified in accordance with Section 725.215, a copy of the most current plan must be furnished to the Agency upon request including request by mail. In addition, for facilities without approved plans, it must also be provided during site inspections on the day of inspection to any officer, employee or representative of the Agency.
- b) Content of plan. The plan must identify the steps necessary to perform partial or final closure of the facility at any point during its active life. The closure plan must include, at least:
- 1) A description of how each hazardous waste management unit at the facility will be closed in accordance with Section 725.211; and
 - 2) A description of how final closure of the facility will be conducted in accordance with Section 725.211. The description must identify the maximum extent of the operation which will be unclosed during the active life of the facility and

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 3) An estimate of the maximum inventory of hazardous wastes ever on-site over the active life of the facility and a detailed description of the methods to be used during partial and final closure, including, but not limited to methods for removing, transporting, treating, storing or disposing of all hazardous waste, and identification of and the type(s) of off-site hazardous waste management unit(s) to be used, if applicable; and
 - 4) A detailed description of the steps needed to remove or decontaminate all hazardous waste residues and contaminated containment system components, equipment, structures and soils during partial and final closure including, but not limited to, procedures for cleaning equipment and removing contaminated soils, methods for sampling and testing surrounding soils and criteria for determining the extent of decontamination necessary to satisfy the closure performance standard; and
 - 5) A detailed description of other activities necessary during the partial and final closure period to ensure that all partial closures and final closure satisfy the closure performance standards, including, but not limited to, groundwater monitoring, leachate collection, and run-on and run-off control; and
 - 6) A schedule for closure of each hazardous waste management unit and for final closure of the facility. The schedule must include, at a minimum, the total time required to close each hazardous waste management unit and the time required for intervening closure activities which will allow tracking of the progress of partial and final closure. (For example, in the case of a landfill unit, estimates of the time required to treat or dispose of all hazardous waste inventory and of the time required to place a final cover must be included; and
 - 7) An estimate of the expected year of final closure for facilities that use trust funds to demonstrate financial assurance under Sections 725.243 or 725.245 and whose remaining operating life is less than twenty years, and for facilities without approved closure plans.
- c) Amendment of plan. The owner or operator may amend the closure plan at any time prior to the notification of partial or final closure of the facility. An owner or operator with an approved closure plan shall submit a written request to the Agency to authorize a change to the approved closure plan. The written request must include a copy of the amended closure plan for approval by the Agency.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) The owner or operator shall amend the closure plan, whenever:
 - A) ~~Changes~~ in the operating plans or facility design affect the closure plan, or
 - B) ~~Whenever~~ there is a change in the expected year of closure, if applicable, or
 - C) In conducting partial or final closure activities, unexpected events require a modification of the closure plan.
- 2) The owner or operator shall amend the closure plan at least 60 days prior to the proposed change in facility design or operation, or no later than 60 days after an unexpected event has occurred which has affected the closure plan. If an unexpected event occurs during the partial or final closure period, the owner or operator shall amend the closure plan no later than 30 days after the unexpected event. These provisions also apply to owners or operators of surface impoundments and waste piles who intended to remove all hazardous wastes at closure, but are required to close as landfills in accordance with Section 725.410.
- 3) An owner or operator with an approved closure plan shall submit the modified plan to the Agency at least 60 days prior to the proposed change in facility design or operation, or no more than 60 days after an unexpected event has occurred which has affected the closure plan. If an unexpected event has occurred during the partial or final closure period, the owner or operator shall submit the modified plan no more than 30 days after the unexpected event. These provisions also apply to owners or operators of surface impoundments and waste piles who intended to remove all hazardous wastes at closure but are required to close as landfills in accordance with Section 725.410. If the amendment to the plan is a Class 2 or 3 modification according to the criteria in 35 Ill. Adm. Code 703.280, the modification to the plan shall be approved according to the procedures in subsection (d)(4)
- 4) The Agency may request modifications to the plan under the conditions described in subsection (c)(1). An owner or operator with an approved closure plan shall submit the modified plan within 60 days of the request from the Agency, or within 30 days if the unexpected event occurs during partial or final closure. If the amendment is considered a Class 2 or 3 modification according to the criteria in 35 Ill. Adm. Code 703.280, the modification to the plan ~~shall~~ must be approved in

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- d) Notification of partial closure and final closure.
 - 1) The owner or operator shall submit the closure plan to the Agency at least 180 days prior to the date on which the owner or operator expects to begin closure of the first surface impoundment, waste pile, land treatment or landfill unit, or final closure of a facility with such a unit. The owner or operator shall submit the closure plan to the Agency at least 45 days prior to the date on which the owner or operator expects to begin final closure of a facility with only tanks, container storage or incinerator units. Owners or operators with approved closure plans shall notify the Agency in writing at least 60 days prior to the date on which the owner or operator expects to begin closure of a surface impoundment, waste pile, landfill or land treatment unit, or final closure of a facility involving such a unit. Owners and operators with approved closure plans shall notify the Agency in writing at least 45 days prior to the date on which the owner or operator expects to begin final closure of a facility with only tanks, container storage or incinerator units.
 - 2) The date when the owner or operator "expects to begin closure" must be either:
 - A) W-within 30 days after the date on which any hazardous waste management unit receives the known final volume of hazardous wastes or, if there is a reasonable possibility that the hazardous waste management unit will receive additional hazardous wastes, no later than one year after the date on which the unit received the most recent volume of hazardous waste. If the owner or operator of a hazardous waste management unit demonstrates to the Agency that the hazardous waste management unit or facility has the capacity to receive additional hazardous wastes and that the owner or operator has taken and will continue to take, all steps to prevent threats to human health and the environment, including compliance with all interim status requirements, the Agency shall approve an extension to this one-year limit--; or
 - B) For units meeting the requirements of Section 725.213(d), no later than 30 days after the date on which the hazardous waste management unit receives the final known volume of non-hazardous wastes, or, if there is a reasonable possibility that the hazardous waste management unit will receive additional non-hazardous wastes, no later than one

POLLUTION CONTROL BOARD

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

NOTICE OF PROPOSED AMENDMENTS

year after the date on which the unit received the most recent volume of non-hazardous wastes. If the owner or operator demonstrates to the Agency that the hazardous waste management unit has the capacity to receive additional non-hazardous wastes and that the owner and operator have taken, and will continue to take, all steps to prevent threats to human health and the environment, including compliance with all applicable interim status requirements, the Agency shall approve an extension to this one-year limit.

3) The owner or operator shall submit the closure plan to the Agency no later than 15 days after:

- A) Termination of interim status (except when a permit is issued to the facility simultaneously with termination of interim status); or
- B) Issuance of a judicial decreed Board order to cease receiving hazardous wastes or close.

4) The Agency shall provide the owner or operator and the public, through a newspaper notice, the opportunity to submit written comments on the plan and request modifications of the plan no later than 30 days from the date of the notice. The Agency shall also, in response to a request or at its own discretion, hold a public hearing whenever such a hearing might clarify one or more issues concerning a closure plan. The Agency shall give public notice of the hearing at least 30 days before it occurs. (Public notice of the hearing may be given at the same time as notice of the opportunity for the public to submit written comments and the two notices may be combined.) The Agency shall approve, modify or disapprove the plan within 90 days of its receipt. If the Agency does not approve the plan, the Agency shall provide the owner or operator with a detailed written statement of reasons for the refusal, and the owner or operator shall modify the plan or submit a new plan for approval within 30 days after receiving such written statement. The Agency shall approve or modify this plan in writing within 60 days. If the Agency modifies the plan, this modified plan becomes the approved closure plan. The Agency shall assure that the approved plan is consistent with Sections 725.211 through 725.215 and the applicable requirements of Sections 725.190 et seq., 725.297, 725.328, 725.358, 725.380, 725.410, 725.451, 725.481 and 725.504. A copy of this modified plan with a detailed statement of reasons for the modifications must be mailed to the owner or operator.

- e) Removal of wastes and decontamination or dismantling of equipment. Nothing in this Section precludes the owner or operator from removing hazardous wastes and decontaminating or dismantling equipment in accordance with the approved partial or final closure plan at any time before or after notification of partial or final closure.

(Source: Amended at 14 Ill. Reg. , effective)

Section 725.213 Closure; Time Allowed for Closure

- a) Within 90 days after receiving the final volume of hazardous wastes, or the final volume of non-hazardous wastes, if the owner or operator complies with all the applicable requirements of subsections (d) and (e), at a hazardous waste management unit or facility, or 90 days after approval of the closure plan, whichever is later, the owner or operator shall treat, remove from the unit or facility or dispose of on-site, all hazardous wastes in accordance with the approved closure plan. The Agency shall approve a longer period if the owner or operator demonstrates that:

1) Either:

- A) The activities required to comply with this paragraph will, of necessity, take longer than 90 days to complete; or

B) All of the following:

- i) The hazardous waste management unit or facility has the capacity to receive additional hazardous wastes, or has the capacity to receive non-hazardous wastes, if the owner or operator complies with subsections (d) and (e);
 - ii) There is a reasonable likelihood that the owner or operator, or another person will recommence operation of the hazardous waste management unit or facility within one year; and
 - iii) Closure of the hazardous waste management unit or facility would be incompatible with continued operation of the site; and
- 2) The owner and operator have taken and will continue to take all steps to prevent threats to human health and the environment including compliance with all applicable interim status requirements.
- b) The owner or operator shall complete partial and final closure

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

activities in accordance with the approved closure plan and within 180 days after receiving the final volume of non-hazardous wastes, or the final volume of non-hazardous wastes, if the owner or operator complies with all the applicable requirements of subsections (d) and (e), at the hazardous waste management unit or facility, or 180 days after approval of the closure plan, if that is later. The Agency shall approve an extension to the closure period if the owner or operator demonstrates that:

1) Either:

A) The partial or final closure activities will, of necessity, take longer than 180 days to complete; or

B) All of the following:

i) The hazardous waste management unit or facility has the capacity to receive additional hazardous wastes, or the final volume of non-hazardous wastes, if the owner or operator complies with all the applicable requirements of subsections (d) and (e); and

ii) There is a reasonable likelihood that the owner or operator or another person will recommence operation of the hazardous waste management unit or facility within one year; and

iii) Closure of the hazardous waste management unit or facility would be incompatible with continued operation of the site; and

2) The owner and operator have taken and will continue to take all steps to prevent threats to human health and the environment from the unclosed but not operating hazardous waste management unit or facility, including compliance with all applicable interim status requirements.

c) The demonstration referred to in subsections (a)(1) and (b)(1) must be made as follows:

1) The demonstration in subsection (a)(1) must be made at least 30 days prior to the expiration of the 90-day period in subsection (a); and

2) The demonstrations in subsection (b)(1) must be made at least 30 days prior to the expiration of the 180-day period in subsection (b), unless the owner or operator is otherwise subject to deadlines in subsection (d).

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

d) Continued receipt of non-hazardous waste. The Agency shall permit an owner or operator to receive non-hazardous wastes in a landfill, land treatment unit or surface impoundment unit after the final receipt of hazardous wastes at that unit if:

1) The owner or operator submits an amended Part B application, or a new Part B application if none was previously submitted, and demonstrates that:

A) The unit has the existing design capacity as indicated on the Part A application to receive non-hazardous wastes; and

B) There is a reasonable likelihood that the owner or operator or another person will receive non-hazardous waste wastes in the unit within one year after the final receipt of hazardous wastes; and

C) The non-hazardous wastes will not be incompatible with any remaining wastes in the unit, or with the facility design and operating requirements of the unit or facility under this Part; and

D) Closure of the hazardous waste management unit would be incompatible with continued operation of the unit or facility; and

E) The owner or operator is operating and will continue to operate in compliance with all applicable interim status requirements; and

2) The Part B application includes an amended waste analysis plan, groundwater monitoring and response program, human exposure assessment required under 35 Ill. Adm. Code 703.186 and closure and post-closure plans and updated cost estimates and demonstrations of financial assurance for closure and post-closure care as necessary and appropriate, to reflect any changes due to the presence of hazardous constituents in the non-hazardous wastes, and changes in closure activities, including the expected year of closure if applicable under Section 725.212(b)(7), as a result of the receipt of non-hazardous wastes following the final receipt of hazardous wastes; and

3) The Part B application is amended, as necessary and appropriate, to account for the receipt of non-hazardous wastes following receipt of the final volume of hazardous wastes; and

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 4) The Part B application and the demonstrations referred to in subsections (d)(1) and (2) are submitted to the Agency no later than 180 days prior to the date on which the owner or operator of the facility receives the known final volume of hazardous wastes, or no later than 90 days after the effective date of this Section, whichever is later.
- e) Surface impoundments. In addition to the requirements in subsection (d), an owner or operator of a hazardous waste surface impoundment which is not in compliance with the liner and leachate collection system requirements in Section 725.321(a) shall receive non-hazardous wastes only as authorized by an adjusted standard pursuant to this subsection.

1) The petition for adjusted standard must include:

- A) A plan for removing hazardous wastes; and
- B) A contingent corrective measures plan.

2) The removal plan must provide for:

- A) Removing all hazardous liquids; and
- B) Removing all hazardous sludges to the extent practicable without impairing the integrity of the liner or liners, if any; and
- C) Removal of hazardous wastes no later than 90 days after the final receipt of hazardous wastes. The Board will allow a longer time, if the owner or operator demonstrates:
- i) That the removal of hazardous wastes will, of necessity, take longer than the allotted period to complete; and
- ii) That an extension will not pose a threat to human health and the environment.

3) The contingent corrective measures plan:

- A) Must meet the requirements of a corrective action plan under Section 724.199, based upon the assumption that a release has been detected from the unit.
- B) May be a portion of a corrective action plan previously submitted under Section 724.199.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- C) May provide for continued receipt of non-hazardous wastes at the unit following a release only if the owner or operator demonstrates that continued receipt of wastes will not impede corrective action.
- D) Must provide for implementation within one year after a release, or within one year after the grant of the adjusted standard, whichever is later.
- 4) Release. A release is a statistically significant increase (or decrease in the case of pH) in hazardous constituents over background levels, detected in accordance with the requirements in Subpart F.
- 5) In the event of a release, the owner or operator of the unit:
- A) Within 35 days, file with the Board a petition for adjusted standard. If the Board finds that it is necessary to do so in order to protect human health and the environment, the Board will modify the adjusted standard to require the owner or operator to:
- i) Begin to implement the corrective measures plan in less than one year; or,
- ii) Cease the receipt of wastes until the plan has been implemented.
- iii) The Board will retain jurisdiction or condition the adjusted standard so as to require the filing of a new petition to address any required closure pursuant to subsection (e)(7).
- B) Shall implement the contingent corrective measures plan.
- C) May continue to receive wastes at the unit if authorized by the approved contingent measures plan.
- 6) Semi-annual report. During the period of corrective action, the owner or operator shall provide semi-annual reports to the Agency which:
- A) Describe the progress of the corrective action program;
- B) Compile all groundwater monitoring data; and
- C) Evaluate the effect of the continued receipt of non-

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

hazardous wastes on the effectiveness of the corrective action.

7) Required closure. The owner or operator shall commence closure of the unit in accordance with the closure plan and the requirements of this Part if the Board terminates the adjusted standard, or if the adjusted standard terminates pursuant to its terms.

A) The Board will terminate the adjusted standard if the owner or operator failed to implement corrective action measures in accordance with the approved contingent corrective measures plan; or

B) The Board will terminate the adjusted standard if the owner or operator fails to make substantial progress in implementing the corrective measures plan and achieving the facility's groundwater protection standard, or background levels if the facility has not yet established a groundwater protection standard; or

C) The adjusted standard will automatically terminate if the owner or operator fails to implement the removal plan.

D) The adjusted standard will automatically terminate if the owner or operator fails to timely file a required petition for adjusted standard.

8) Adjusted standard procedures. The following procedures must be used in granting, modifying or terminating an adjusted standard pursuant to this subsection.

A) Except as otherwise provided, the owner or operator shall follow the procedures of 35 Ill. Adm. Code 106. Subpart 6 to petition the Board for an adjusted standard.

B) Initial justification. The Board will grant an adjusted standard pursuant to subsection (e)(1) if the owner or operator demonstrates that the removal plan and contingent corrective measures plans meet the requirements of subsections (e)(2) and (3).

C) The Board will include the following conditions in granting an adjusted standard pursuant to subsection (e)(1):

- i) A plan for removing hazardous wastes.
- ii) A requirement that the owner or operator remove

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

hazardous wastes in accordance with the plan.

iii) A contingent corrective measures plan.

iv) A requirement that, in the event of a release, the owner or operator shall, within 35 days, file with the Board a petition for adjusted standard; implement the corrective measures plan; and, file semi-annual reports with the Agency.

v) A condition that the adjusted standard will terminate if the owner or operator fails to: implement the removal plan; or, timely file a required petition for adjusted standard.

vi) A requirement that, in the event the adjusted standard is terminated, the owner or operator shall commence closure of the unit in accordance with the requirements of the closure plan and this Part.

D) Justification in the event of a release. The Board will modify or terminate the adjusted standard pursuant to a petition filed under subsection (e)(5)(A) as provided in that subsection or in subsection (e)(7).

9) The owner or operator may file a revised closure plan within 15 days after an adjusted standard is terminated.

(Source: Amended at 14 Ill. Reg. , effective)

SUBPART H: FINANCIAL REQUIREMENTS

Section 725.242 Cost Estimate for Closure

a) The owner or operator shall have a detailed written estimate, in current dollars, of the cost of closing the facility in accordance with the requirements in Sections 725.211 through 725.215 and applicable closure requirements of Sections 725.297, 725.328, 725.358, 725.380, 725.410, 725.451, 725.481 and 725.504.

1) The estimate must equal the cost of final closure at the point in the facility's active life when the extent and manner of its operation would make closure the most expensive, as indicated by its closure plan (see Section 725.212(b)); and

2) The closure cost estimate must be based on the costs to the owner or operator of hiring a third party to close the facility. A third party is a party who is neither a parent nor

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

a subsidiary of the owner or operator. (See definition of "parent corporation" in Section 725.241(d).) The owner or operator may use costs for on-site disposal if the owner or operator ~~can~~ demonstrates that on-site disposal capacity will exist at all times over the life of the facility.

- 3) The closure cost estimate must not incorporate any salvage value that may be realized by the sale of hazardous wastes, or non-hazardous wastes if applicable under Section 725.213(d), facility structures or equipment, land or other facility assets at the time of partial or final closure.

- 4) The owner or operator shall not incorporate a zero cost for hazardous waste, or non-hazardous waste if applicable under Section 725.213(d), which may have economic value.

- b) During the active life of the facility, the owner or operator shall adjust the closure cost estimate for inflation within 60 days prior to the anniversary date of the establishment of the financial instruments used to comply with Section 725.243. For owners and operators using the financial test or corporate guarantee, the closure cost estimate must be updated for inflation within 30 days after the close of the firm's fiscal year and before submission of updated information to the Agency as specified in Section 725.243(e)(5). The adjustment may be made by recalculating the closure cost estimate in current dollars, or by using an inflation factor derived from the most recent annual Implicit Price Deflator for Gross National Product as published by the U.S. Department of Commerce in its Survey of Current Business as specified in subsections (b)(1) and (b)(2). The inflation factor is the result of dividing the latest published annual Deflator by the Deflator for the previous year.

- 1) The first adjustment is made by multiplying the closure cost estimate by the inflation factor. The result is the adjusted closure cost estimate.
- 2) Subsequent adjustments are made by multiplying the latest adjusted closure cost estimate by the latest inflation factor.
- c) During the active life of the facility, the owner or operator shall revise the closure cost estimate no later than 30 days after a revision has been made to the closure plan which increases the cost of closure. If the owner or operator has an approved closure plan, the closure cost estimate must be revised no later than 30 days after the Agency has approved the request to modify the closure plan if the change in the closure plan increases the cost of closure. The revised closure cost estimate must be adjusted for inflation as

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

specified in subsection (b).

- d) The owner or operator ~~must~~ shall keep the following at the facility during the operating life of the facility: The latest closure cost estimate prepared in accordance with subsections (a) and (c) and, when this estimate has been adjusted in accordance with subsection (b), the latest adjusted closure cost estimate.

(Source: Amended at 14 Ill. Reg. , effective)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Land Disposal Restrictions2) Code Citation: 35 Ill. Adm. Code 7283) Section Numbers:

728.101, 728.105, 728.106, 728.107, 728.108
728.132, 728.133, 728.150

Proposed Action:

Amendment
Amendment

4) Statutory Authority: Ill. Rev. Stat. 1988 Supp., ch. 111 1/2, pars. 1022.4 and 1027.5) A Complete Description of the Subjects and Issues Involved:

A complete description is contained in the Board's Proposed Opinion of April 12, 1990, in R90-2, which Opinion is available from the address below. Section 22.4(a) of the Environmental Protection Act (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 1022.4(a)) provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.

This rulemaking updates the Board's RCRA hazardous waste rules to correspond with amendments adopted by USEPA which appeared in the Federal Register during the period July 1 through December 31, 1989.

6) Will this proposed rule replace an emergency rule currently in effect? No.7) Does this rulemaking contain an automatic repeal date?: No.8) Does this proposed Amendment contain incorporations by reference?

Yes. This Part incorporates federal regulations by reference. Section 22.4(a) of the Environmental Protection Act (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 1022.4(a)) provides that Section 5 of the Administrative Procedure Act shall not apply.

9) Are there any other amendments pending on this Part? No.10) Statement of Statewide Policy Objectives:

This rulemaking is mandated by Section 22.4(a) of the Environmental Protection Act, and by the federal Resource Conservation and Recovery Act. (42 U.S.C. 6901 et seq.) The statewide policy objectives are set forth in Section 20 of the Environmental Protection Act. This rulemaking imposes mandates on units of local government only to the extent that they may be involved in the generation, treatment, storage or disposal of hazardous waste.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference Docket R90-2 and be addressed to:

Ms. Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center, Suite 11-500
100 W. Randolph St.
Chicago, IL 60601

12) Initial Regulatory Flexibility Analysis:

A) Date rule was submitted to the Small Business Office of the Department of Commerce and Community Affairs: April 18, 1990

B) Types of small businesses affected:

The existing rules and proposed amendments affect small businesses which generate, treat, store or dispose of hazardous waste.

C) Reporting, bookkeeping or other procedures required for compliance:

The existing rules and proposed amendments require extensive reporting, bookkeeping and other procedures, including the preparation of manifests and annual reports, waste analyses and maintenance of operating records.

D) Types of professional skills necessary for compliance:

Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist and registered professional engineer.

The full text of the Proposed Amendment begins on the next page:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE G: WASTE DISPOSAL

CHAPTER I: POLLUTION CONTROL BOARD

SUBCHAPTER C: HAZARDOUS WASTE OPERATING REQUIREMENTS

PART 728

LAND DISPOSAL RESTRICTIONS

SUBPART A: GENERAL

Section
728.101
728.102
728.103
728.104
728.105
728.106

728.107
728.108

Purpose, Scope and Applicability

Definitions

Dilution Prohibited as a Substitute for Treatment

Treatment Surface Impoundment Exemption

Procedures for case-by-case Extensions to an Effective Date

Petitions to Allow Land Disposal of a Waste Prohibited under

Subpart C

Waste Analysis

Landfill and Surface Impoundment Disposal Restrictions

SUBPART C: PROHIBITION ON LAND DISPOSAL

Section
728.130
728.131
728.132
728.133
728.134
728.139

Waste Specific Prohibitions -- Solvent Wastes

Waste Specific Prohibitions -- Dioxin-Containing Wastes

Waste Specific Prohibitions -- California List Wastes

Waste Specific Prohibitions -- First Third Wastes

Waste Specific Prohibitions -- Second Third Wastes

Statutory Prohibitions

SUBPART D: TREATMENT STANDARDS

Section
728.140
728.141
728.142
728.143
728.144

Applicability of Treatment Standards

Treatment Standards expressed as Concentrations in Waste Extract

Treatment Standards expressed as Specified Technologies

Treatment Standards expressed as Waste Concentrations

Adjustment of Treatment Standard

SUBPART E: PROHIBITIONS ON STORAGE

Section
728.150

Table A
Table B
Appendix A
Appendix B
Appendix C

Prohibitions on Storage of Restricted Wastes

Constituent Concentrations in Waste Extract (CCME)

Constituent Concentrations in Waste (CCW)

Toxicity Characteristic Leaching Procedure (TCLP)

Treatment Standards (As concentrations in the Treatment Residual

Extract)

List of Halogenated Organic Compounds

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

AUTHORITY: Implementing Section 22.4 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1988 Supp., ch. 111 1/2, pars. 1022.4 and 1027).

SOURCE: Adopted in R87-5 at 11 Ill. Reg. 19354, effective November 12, 1987; amended in R87-39 at 12 Ill. Reg. 13046, effective July 29, 1988; amended in R89-1 at 13 Ill. Reg. 18403, effective November 13, 1989; amended in R89-9 at 14 Ill. Reg. , effective ; amended in R90-2 at 14 Ill. Reg. , effective .

SUBPART A: GENERAL

Section 728.101 Purpose, Scope and Applicability

a) This Part identifies hazardous wastes that are restricted from land disposal and defines those limited circumstances under which an otherwise prohibited waste may continue to be land disposed.

b) Except as specifically provided otherwise in this Part or 35 Ill. Adm. Code 721, the requirements of this Part apply to persons who generate or transport hazardous waste and to owners and operators of hazardous waste treatment, storage and disposal facilities.

c) ~~Prohibited~~-Restricted wastes may continue to be land disposed as follows:

1) Where persons have been granted an extension to the effective date of a prohibition under Subpart C or pursuant to Section 728.105, with respect to those wastes covered by the extension;

2) Where persons have been granted an exemption from a prohibition pursuant to a petition under Section 728.106, with respect to those wastes and units covered by the petition;

3) Where the waste is generated by small quantity generators of less than 100 kilograms of non-acute hazardous wastes per month or less than one kilogram of acute hazardous waste per month, as defined in 35 Ill. Adm. Code 721.105; or,

4) Where a farmer is disposing of waste pesticides in accordance with 35 Ill. Adm. Code 722.170.

5) Prior to May 8, 1990, in a landfill or surface impoundment unit where all applicable persons are in compliance with the requirements of Section 728.108, with respect to wastes which are not subject to the treatment standards set forth in Subpart D, and which are not subject to the prohibitions in Section 728.132 or 728.139.

NOTICE OF PROPOSED AMENDMENTS

d) This Part does not affect the availability of a waiver under Section 121(d)(4) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) (42 U.S.C. 9601 et seq.).

e) The following hazardous wastes are not subject to any provision of this Part:

1) Wastes generated by small quantity generators of less than 100 kg of non-acute hazardous waste or less than 1 kg of acute hazardous waste per month, as defined in 35 Ill. Adm. Code 721.105.

2) Waste pesticides that a farmer disposes of pursuant to 35 Ill. Adm. Code 722.170.

3) Wastes identified or listed as hazardous after November 8, 1984, for which USEPA has not promulgated land disposal prohibitions or treatment standards.

f) This Part is cumulative with the land disposal restrictions of 35 Ill. Adm. Code 729. The Environmental Protection Agency (Agency) shall not issue a wastestream authorization pursuant to 35 Ill. Adm. Code 709 or Sections 22.6 or 39(h) of the Environmental Protection Act (Ill. Rev. Stat. 1987, ch. 111 1/2, pars. 1022.6 or 1039(h)) unless the waste meets the requirements of this Part as well as 35 Ill. Adm. Code 729.

(Source: Amended at 14 Ill. Reg. , effective)

Section 728.105 Procedures for case-by-case Extensions to an Effective Date

a) The Board incorporates by reference 40 CFR 268.5 -(1988), as amended at 53 Fed. Reg. 31211, August 17, 1988-(1989), as amended at 54 Fed. Reg. 36970, September 6, 1989. This Part incorporates no future editions or amendments.

b) Persons may apply to USEPA for extensions of effective dates pursuant to 40 CFR 268.5. Extensions which are granted by USEPA will be deemed extensions of dates specified in the derivative Board rule.

(Source: Amended at 14 Ill. Reg. , effective)

Section 728.106 Petitions to Allow Land Disposal of a Waste Prohibited under Subpart C

a) Any person seeking an exemption from a prohibition under Subpart C

NOTICE OF PROPOSED AMENDMENTS

for the disposal of a restricted hazardous waste in a particular unit or units shall submit a petition to the Board demonstrating, to a reasonable degree of certainty, that there will be no migration of hazardous constituents from the disposal unit or injection zone for as long as the wastes remain hazardous. The demonstration must include the following components:

- 1) An identification of the specific waste and the specific unit for which the demonstration will be made;
- 2) A waste analysis to describe fully the chemical and physical characteristics of the subject waste;
- 3) A comprehensive characterization of the disposal unit site including an analysis of background air, soil and water quality;
- 4) A monitoring plan which detects migration at the earliest practical time;
- 5) Sufficient information to assure the Agency that the owner or operator of a land disposal unit receiving restricted wastes will comply with other applicable federal, state and local laws;
- 6) Whether the facility is in interim status, or, if a RCRA permit has been issued, the term of the permit.

b) The demonstration referred to in subsection (a) must meet the following criteria:

- 1) All waste and environmental sampling, test and analysis data must be accurate and reproducible to the extent that state-of-the-art techniques allow;
- 2) All sampling, testing and estimation techniques for chemical and physical properties of the waste and all environmental parameters must conform with "Test Methods for Evaluating Solid Waste" and with "Generic Quality Assurance Project Plan for Land Disposal Restrictions Program," incorporated by reference in 35 Ill. Adm. Code 720.111.
- 3) Simulation models must be calibrated for the specific waste and site conditions, and verified for accuracy by comparison with actual measurements;
- 4) A quality assurance and quality control plan that addresses all aspects of the demonstration and conforms with "Test Methods for Evaluating Solid Waste" and with "Generic Quality Assurance

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Project Plan for Land Disposal Restrictions Program," incorporated by reference in 35 Ill. Adm. Code 720.111. and

- 5) An analysis must be performed to identify and quantify any aspects of the demonstration that contribute significantly to uncertainty. This analysis must include an evaluation of the consequences of predictable future events, including, but not limited to, earthquakes, floods, severe storm events, droughts or other natural phenomena.

- c) Each petition referred to in subsection (a) must include the following:

- 1) A monitoring plan that describes the monitoring program installed at or around the unit to verify continued compliance with the conditions of the adjusted standard. This monitoring plan must provide information on the monitoring of the unit or the environment around the unit. The following specific information must be included in the plan:

- A) The media monitored in the cases where monitoring of the environment around the unit is required;
- B) The type of monitoring conducted at the unit, in the cases where monitoring of the unit is required;
- C) The location of the monitoring stations;
- D) The monitoring interval (frequency of monitoring at each station);
- E) The specific hazardous constituents to be monitored;
- F) The implementation schedule for the monitoring program;
- G) The equipment used at the monitoring stations;
- H) The sampling and analytical techniques employed; and
- I) The data recording and reporting procedures.

- 2) Where applicable, the monitoring program described in subsection (c)(1) must be in place for a period of time specified by the Board, as part of its approval of the petition, prior to receipt of prohibited waste at the unit.

- 3) The monitoring data collected according to the monitoring plan specified under subsection (c)(1) must be sent to the Agency.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

according to a format and schedule specified and approved in the monitoring plan, and

- 4) A copy of the monitoring data collected under the monitoring plan specified under subsection (c)(1) must be kept on-site at the facility in the operating record.

- 5) The monitoring program specified under subsection (c)(1) must meet the following criteria:

- A) All sampling, testing and analytical data must be approved by the Board and must provide data that is accurate and reproducible.
- B) All estimation and monitoring techniques must be approved by the Board.
- C) A quality assurance and quality control plan addressing all aspects of the monitoring program must be provided to and approved by the Board.
- d) Each petition must be submitted to the Board as provided in 35 Ill. Adm. Code 106.
- e) After a petition has been approved, the owner or operator shall report any changes in conditions at the unit or the environment around the unit that significantly depart from the conditions described in the petition and affect the potential for migration of hazardous constituents from the units as follows:

- 1) If the owner or operator plans to make changes to the unit design, construction or operation, the owner or operator shall, at least 90 days prior to making the change, either:
 - A) File a petition for modification of or a new petition to amend an adjusted standard with the Board reflecting the changes; or,
 - B) Demonstrate to the Agency that the change can be made consistent with the conditions of the existing adjusted standard.

- 2) If the owner or operator discovers that a condition at the site which was modeled or predicted in the petition does not occur as predicted, this change must be reported, in writing, to the Agency within 10 days of discovering the change. The Agency shall determine whether the reported change from the terms of the petition requires further action, which may include

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

termination of waste acceptance, a petition for modification of or a new petition for an adjusted standard.

f) If there is migration of hazardous constituent(s) from the unit, as determined by the owner or operator, the owner or operator shall:

- 1) Immediately suspend receipt of ~~restricted~~ prohibited waste at the unit, and
- 2) Notify the Agency, in writing, within 10 days of the determination that a release has occurred.
- 3) Following receipt of the notification, the Agency shall, within 60 days of receiving notification:
 - A) Determine whether the owner and operator can continue to receive prohibited waste in the unit under the conditions of the adjusted standard.
 - B) If modification or vacation of the adjusted standard is necessary, file a motion to modify or vacate the adjusted standard with the Board.
 - C) Determine whether further examination of any migration is required under the applicable provisions of 35 Ill. Adm. Code 724 or 725.

g) Each petition must include the following statement signed by the petitioner or an authorized representative:

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this petition and all attached documents, and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

h) After receiving a petition, the Board may request any additional information that may be required to evaluate the demonstration.

i) If approved, the petition will apply to land disposal of the specific restricted waste at the individual disposal unit described in the demonstration and will not apply to any other restricted waste at that disposal unit, or to that specific restricted waste at any other disposal unit.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

j) The Board will give public notice and provide an opportunity for public comment as provided in 35 Ill. Adm. Code 106. Notice of a final decision on a petition will be published in the Environmental Register.

k) The term of a petition granted under this Section will be no longer than the term of the RCRA permit if the disposal unit is operating under a RCRA permit, or up to a maximum of 10 years from the date of approval provided under subsection (g) if the unit is operating under interim status. In either case, the term of the granted petition expires upon the termination or denial of a RCRA permit, or upon the termination of interim status or when the volume limit of waste to be land disposed during the term of petition is reached.

l) Prior to the Board's decision, the applicant shall comply with all restrictions on land disposal under this Part once the effective date for the waste has been reached.

m) The petition granted by the Board does not relieve the petitioner of responsibilities in the management of hazardous waste under 35 Ill. Adm. Code 702, 703 and 720 through 726.

n) Liquid hazardous wastes containing PCBs at concentrations greater than or equal to 500 ppm are not eligible for an adjusted standard under this Section.

(Source: Amended at 14 Ill. Reg. , effective)
Section 728.107 Waste Analysis

a) Except as specified in Section 728.132 or 728.143, the generator shall test the generator's waste, or test an extract developed using the test method described in Appendix A, or use knowledge of the waste, to determine if the waste is restricted from land disposal under this Part.

1) If a generator determines that the generator is managing a restricted waste under this Part and determines that the waste does not meet the applicable treatment standards set forth in Subpart D or exceeds the applicable prohibition levels set forth in Section 728.132 or 728.139, with each shipment of waste the generator shall notify the treatment or storage facility in writing of the appropriate treatment standard set forth in Subpart D and any applicable prohibition levels set forth in Section 728.132 or 728.139. The notice must include the following information:

A) USEPA Hazardous Waste Number;

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- B) The corresponding treatment standard and all applicable standards set forth in Section 728.132 or 728.139;
- C) The manifest number associated with the shipment of waste; and
- D) Waste analysis data, where available.

2) If a generator determines that the generator is managing a restricted waste under this Part, and determines that the waste can be land disposed without further treatment, with each shipment of waste the generator shall submit, to the treatment, storage or land disposal facility, a notice and a certification stating that the waste meets the applicable treatment standards set forth in Subpart D and the applicable prohibition levels set forth in Section 728.132 or 728.139.

A) The notice must include the following information:

- i) USEPA Hazardous Waste Number;
 - ii) The corresponding treatment standard;
 - iii) The manifest number associated with the shipment of waste;
 - iv) Waste analysis data, where available.
- B) The certification must be signed by an authorized representative and must state the following:

I certify under penalty of law that I personally have examined and am familiar with the waste through analysis and testing or through knowledge of the waste to support this certification that the waste complies with the treatment standards specified in 35 Ill. Adm. Code 728. Subpart D and all applicable prohibitions set forth in 35 Ill. Adm. Code 728.132, 728.139 or Section 3004(d) of the Resource Conservation and Recovery Act. I believe that the information I submitted is true, accurate and complete. I am aware that there are significant penalties for submitting a false certification, including the possibility of a fine and imprisonment.

3) If a generator's waste is subject to an exemption from a prohibition on the type of land disposal method utilized for the

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

waste (such as, but not limited to, a case-by-case extension under Section 728.105, an exemption under Section 728.106, an extension under Section 728.101(c)(3) or a nationwide capacity variance under 40 CFR 268. Subpart C - (1987)-(1989), with each shipment of waste, the generator shall submit a notice with the waste to the facility receiving the generator's waste, stating that the waste is not prohibited from land disposal. The notice must include the following information:

- A) EPA hazardous waste number;
 - B) The corresponding treatment standards and all applicable prohibitions set forth in Section 728.132 or 728.139;
 - C) The manifest number associated with the shipment of waste;
 - D) Waste analysis data, where available, and
 - E) The date the waste is subject to the prohibitions.
- 4) If a generator determines that the generator is managing a waste that is subject to the prohibitions under Section 728.133(f) (including wastes that are disposed of in disposal units other than landfills or surface impoundments) and is not subject to the prohibitions set forth in Section 728.132, with each shipment of waste, the generator shall notify the treatment storage or disposal facility, in writing, of any applicable prohibitions set forth in Section 728.133(f). The notice must include the following information:

- A) USEPA hazardous waste number;
 - B) The applicable prohibitions set forth in Section 728.133(f);
 - C) The manifest number associated with the shipment of waste; and
 - D) Waste analysis data where available.
- 5) If a generator determines whether the waste is restricted based solely on the generator's knowledge of the waste, the generator shall retain all supporting data used to make this determination on-site in the generator's files. If a generator determines whether the waste is restricted based on testing the waste or an extract developed using the test method described in Appendix A, the generator shall retain all waste analysis data on site in the generator's files.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 6) Generators shall retain on-site a copy of all notices, certifications, demonstrations, waste analysis data and other documentation produced pursuant to this Section for at least five years from the date that the waste that is the subject of such documentation was last sent to on-site or off-site treatment storage or disposal. The five year record retention period is automatically extended during the course of any unresolved enforcement action regarding the regulated activity or as requested by the Agency.
- b) Treatment facilities shall test their wastes according to the frequency specified in their waste analysis plans as required by 35 Ill. Adm. Code 724.113 or 725.113. Such testing must be performed as provided in subsections (b)(1), (b)(2) and (b)(3).
- 1) For wastes with treatment standards expressed as concentrations in the waste extract (Section 728.141), the owner or operator of the treatment facility shall test the treatment residues or an extract of such residues developed using the test method described in Appendix A to assure that the treatment residues or extract meet the applicable treatment standards.
- 2) For wastes prohibited under Section 728.132 or 728.139 which are not subject to any treatment standards under Subpart D, the owner or operator of the treatment facility shall test the treatment residues according to the generator testing requirements specified in Section 728.132 to assure that the treatment residues comply with the applicable prohibitions.
- 3) For wastes with treatment standards expressed as concentrations in the waste (Section 728.143), the owner or operator of the treatment facility shall test the treatment residues (not an extract of such residues) to assure that the treatment residues meet the applicable treatment standards.
- 4) A notice must be sent to the land disposal facility which includes the following information:
- A) USEPA Hazardous Waste Number;
 - B) The corresponding treatment standards and all applicable prohibitions set forth in Section 728.132 or 728.139.
 - C) The manifest number associated with the shipment of waste; and
 - D) Waste analysis data, where available.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 5) The treatment facility shall submit a certification with each shipment of waste or treatment residue of a restricted waste to the land disposal facility stating that the waste or treatment residue has been treated in compliance with the treatment standards specified in Subpart D and the applicable prohibitions set forth in Section 728.132 or 728.139.
- A) For wastes with treatment standards expressed as concentrations in the waste extract or in the waste (Sections 728.141 or 728.143), or for wastes prohibited under Section 728.132 or 728.139 which are not subject to any treatment standards under Subpart D, the certification must be signed by an authorized representative and must state the following:
- I certify under penalty of law that I have personally examined and am familiar with the treatment technology and operation of the treatment process used to support this certification and that, based on my inquiry of those individuals immediately responsible for obtaining this information, I believe that the treatment process has been operated and maintained properly so as to comply with the performance levels specified in 35 Ill. Adm. Code 728. Subpart D and all applicable prohibitions set forth in 35 Ill. Adm. Code 728.132 or 728.139 or section 3004(d) of the Resource Conservation and Recovery Act without dilution of the prohibited waste. I am aware that there are significant penalties for submitting a false certification, including the possibility of fine and imprisonment.
- B) For wastes with treatment standards expressed as technologies (Section 728.142), the certification must be signed by an authorized representative and must state the following:
- I certify under penalty of law that the waste has been treated in accordance with the requirements of 35 Ill. Adm. Code 728.142. I am aware that there are significant penalties for submitting a false certification, including the possibility of fine and imprisonment.
- 6) If the waste or treatment residue will be further managed at a different treatment or storage facility, the treatment, storage or disposal facility sending the waste or treatment residue off-

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

site must comply with the notice and certification requirements applicable to generators under this Section.

- 7) For wastes that are subject to the prohibitions under Section 728.133(f) and are not subject to the prohibitions set forth in Section 728.132, with each shipment of such waste the owner or operator shall notify any subsequent treatment, storage or disposal facility in writing, of any applicable prohibitions in writing, of any applicable prohibitions set forth in Section 728.133(f). The notice must include the following information:

- A) USEPA hazardous waste number;
- B) The applicable prohibitions set forth in Section 728.133(f);
- C) The manifest number associated with the shipment of waste; and
- D) Waste analysis data, where available.

- 8) Where the wastes are recyclable materials used in a manner constituting disposal subject to the provisions of 35 Ill. Adm. Code 726.120(b), regarding treatment standards and prohibition levels, the owner or operator of a treatment facility (i.e. the recycler) is not required to notify the receiving facility pursuant to subsection (b)(4). With each shipment of such wastes the owner or operator of the recycling facility shall submit a certification described in subsection (b)(5), and a notice which includes the information listed in subsection (b)(4) (except the manifest number) to the Agency. The recycling facility also shall keep records of the name and location of each entity receiving the hazardous waste-derived product.

- c) The owner or operator of any land disposal facility disposing any waste subject to restrictions under this Part shall:

- 1) Have copies of the notice and certification specified in subsection (a) or (b), and the certification specified in Section 728.108 if applicable.
- 2) Test the waste, or an extract of the waste or treatment residue developed using the test method described in Appendix A or using any methods required by generators under Section 728.132, to assure that the wastes or treatment residues are in compliance with the applicable treatment standards set forth in Subpart D and all applicable prohibitions set forth in Sections 728.132 or

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

728.139. Such testing must be performed according to the frequency specified in the facility's waste analysis plan as required by 35 Ill. Adm. Code 724.113 or 725.113.

- 3) Where the owner or operator is disposing of any waste that is subject to the prohibitions under Section 728.133(f) but not subject to the prohibitions set forth in Section 728.132, the owner or operator shall ensure that such waste is the subject of a certification according to the requirements of Section 728.108 prior to disposal in a landfill or surface impoundment unit, and that such disposal is in accordance with the requirements of Section 728.105(h)(2). The same requirement applies to any waste that is subject to the prohibitions under Section 728.133(f) and also is subject to the statutory prohibitions in the codified prohibitions in Section 728.139 or Section 728.132

- 4) Where the owner or operator is disposing of any waste that is a recyclable material used in a manner constituting disposal subject to the provisions of 35 Ill. Adm. Code 726.120(b), the owner or operator is not subject to subsections (c)(1) through (3) with respect to such waste.

(Source: Amended at 14 Ill. Reg. , effective)

Section 728.108 Landfill and Surface Impoundment Disposal Restrictions

The Board incorporates by reference 40 CFR 268.8-7 as adopted at 53 Fed. Reg. 31211, August 17, 1988- (1989), as amended at 54 Fed. Reg. 36970, September 6, 1989. This Section incorporates no future editions or amendments. Prior to May 8, 1990, wastes which are otherwise prohibited from land disposal under Section 728.133(f) may be disposed in a landfill or surface impoundment which is in compliance with the requirements of 40 CFR 268.5(h)(2), incorporated by reference in Section 728.105, provided the requirements of 40 CFR 268.8 are met.

(Source: Amended at 14 Ill. Reg. , effective)

SUBPART C: PROHIBITION ON LAND DISPOSAL

Section 728.132 Waste Specific Prohibitions -- California List Wastes

- a) The following hazardous wastes are prohibited from land disposal (except in injection wells):
- 1) Liquid hazardous wastes having a pH less than or equal to two (2.0);
 - 2) Liquid hazardous wastes containing PCBs at concentrations

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

greater than or equal to 50 ppm;

- 3) Liquid hazardous wastes that are primarily water and contain halogenated organic compounds (HOCs) in total concentration greater than or equal to 1000 mg/l and less than 10,000 mg/l HOCs.
- d) The requirements of subsection (a) and (e) do not apply until:
 - 1) November 8, 1989, where the wastes are contaminated soil or debris not resulting from a CERCLA response action or from RCRA corrective action, as defined in Section 728.102. Until July 8, 1989, the wastes may be disposed of in a landfill or surface impoundment only if such disposal is in compliance with the requirements in 40 CFR 268.5(h)(2), incorporated by reference in Section 728.105.
 - 2) November 8, 1990, where the wastes are contaminated soil or debris resulting from a CERCLA response action or RCRA corrective action. Until November 8, 1990, the wastes may be disposed in a landfill or surface impoundment only if such unit is in compliance with the requirements specified in 40 CFR 268.5(h)(2), incorporated by reference in Section 728.105.
- e) The following hazardous wastes are prohibited from land disposal (subject to any regulation that may be promulgated with respect to disposal in injection wells):
 - 1) Liquid hazardous wastes that contain HOCs in total concentration greater than or equal to 1000 mg/l and are not prohibited under subsection (a)(3); and
 - 2) Nonliquid hazardous wastes containing HOCs in total concentration greater than or equal to 1000 mg/kg and which are not wastes described in subsection (d).
- f) The wastes described in subsections (e)(1) and (e)(2) may be disposed of in a landfill or surface impoundment only if the ~~unit~~ is in compliance with the requirements specified in 40 CFR 268.5(h)(2), incorporated by reference in Section 728.105.
- g) The requirements of subsections (a), (d) and (e) do not apply if:
 - 1) Persons have been granted an adjusted standard from a prohibition pursuant to a petition under Section 728.106, with respect to those wastes and units covered by the petition (except for liquid hazardous wastes containing PCBs at concentrations greater than or equal to 500 ppm which are not

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

eligible for exemptions); or,

- 2) Persons have been granted an extension to the effective date of a prohibition pursuant to Section 728.105, with respect to those wastes covered by the extension; or
- 3) The wastes meet the applicable standards specified in Subpart D or, where treatment standards are not specified, the wastes are in compliance with the applicable prohibitions set forth in this Section or Section 728.139.
- h) The prohibitions and effective dates specified in subsections (a)(3), (d) and (e) do not apply where the waste is subject to a Subpart C prohibition and effective date for a specified HOC (such as a hazardous waste chlorinated solvent, see e.g. Section 728.130(a)).
- i) To determine whether or not a waste is a liquid under subsections (a) or (e) under Section 728.139, the following test must be used: Method 9095 (Paint Filter Liquids Test), as described in "Test Methods for Evaluating Solid Wastes", incorporated by reference in 35 Ill. Adm. Code 720.111.
- j) Except as otherwise provided in this subsection, the waste analysis and recordkeeping requirements of Section 728.107 are applicable to wastes prohibited under this Part or Section 728.139:
 - 1) The initial generator of a liquid hazardous waste shall test the waste (not an extract or filtrate) in accordance with the procedures specified in 35 Ill. Adm. Code 721.122(a)(1), or use knowledge of the waste, to determine if the waste has a pH less than or equal to two (2.0). If the liquid waste has a pH less than or equal to two (2.0), it is restricted from land disposal and all requirements of this Part are applicable, except as otherwise specified in this Section.
 - 2) The initial generator of either a liquid hazardous waste containing PCBs or a liquid or nonliquid hazardous waste containing HOCs shall test the waste (not an extract or filtrate), or use knowledge of the waste, to determine whether the concentration levels in the waste equal or exceed the prohibition levels specified in this Section. If the concentration of PCBs or HOCs in the waste is greater than or equal to the prohibition levels specified in this Section, the waste is restricted from land disposal and all requirements of this Part are applicable, except as otherwise specified in this Section.

(Source: Amended at 14 Ill. Reg. , effective)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Section 728.133 Waste Specific Prohibitions -- First Third Wastes

- a) The wastes specified in 35 Ill. Adm. Code 721.132 as USEPA hazardous wastes numbers listed below are prohibited from land disposal (except in an injection well). Until August 7, 1990, K061 wastes containing 15% zinc or greater are prohibited from land disposal pursuant to the treatment standards specified in Section 728.141 applicable to K061 wastes that contain less than 15% zinc.

F006 (nonwastewater)

K001

K004 ~~nonwastewater~~ wastes specified in Section 728.143(a) and

Table B

K008 ~~nonwastewater~~ wastes specified in Section 728.143(a) and

Table B

K015

K016

K018

K019

K020

K021 ~~nonwastewater~~ wastes specified in Section 728.143(a) and

Table B

K022 (nonwastewater)

K024

K025 nonwastewaters specified in Section 728.143(a) and Table B

K030 (nonwastewater)

K036 (nonwastewater)

K037

K044

K045 (nonexplosive)

K046 (nonwastewater)

K047

K060 (nonwastewater)

K061 (nonwastewaters containing less than 15% zinc)

K062 (non CaSO₄)

K069 (nonwastewater)

K083 ~~nonwastewater~~

K085 (solvent washes),

K087

K099

K100 nonwastewaters specified in Section 728.143(a) and Table B

K101 (wastewater)

K101 (nonwastewater, low arsenic subcategory -- less than 1%

total arsenic

K102

K103

K104

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- b) Effective August 8, 1990, the wastes specified in 35 Ill. Adm. Code 721.132 as USEPA Hazardous Waste Nos. K048, K049, K050, K051, K052, K061 (containing 15% zinc or greater), and K071 are prohibited from land disposal.
- c) Effective August 8, 1990, the wastes specified in Section 728.110 having a treatment standard in Subpart D based on incineration and which are contaminated soil and debris are prohibited from land disposal.
- d) Until August 8, 1990, wastes included in subsection (b) and (c) may be disposed of in a landfill or surface impoundment only if such unit is in compliance with the requirements specified in 40 CFR 268.5(h)(2), incorporated by reference in Section 728.105.
- e) The requirements of subsection (a), (b), (c) and (d) do not apply if:
- 1) The wastes meet the applicable standards specified in Subpart D; or
 - 2) Persons have been granted an adjusted standard pursuant to Section 728.106, with respect to those wastes and units covered by the petition; or
 - 3) Persons have been granted an extension to the effective date of a prohibition pursuant to Section 728.105, with respect to those wastes covered by the extension.
- f) Until May 8, 1990, the wastes specified in Section 728.110 for which treatment standards under Subpart D ~~are not applicable~~ have not been promulgated, including those wastes which are subject to the statutory prohibitions of Section 728.139 or codified prohibitions under Section 728.132, but not including wastes subject to a treatment standard under Section 728.142, are prohibited from disposal in a landfill or surface impoundment unless ~~the wastes are the subject of a valid demonstration and certification~~ the wastes are the subject of a valid demonstration and certification unless a demonstration and certification have been submitted pursuant to Section 728.108.
- g) To determine whether a hazardous waste listed in Section 728.110 exceeds the applicable treatment standards specified in Sections 728.131 and 728.143, the initial generator shall test a representative sample of the ~~waste extract of~~ waste or the generator may use knowledge of the waste, or the generator shall test the entire waste depending on whether the treatment standards are expressed as concentrations in the waste extract or the waste. If the waste contains constituents in excess of the

NOTICE OF PROPOSED AMENDMENTS

applicable Subpart D levels, the waste is prohibited from land disposal and all requirements of this Part are applicable except as otherwise specified.

(Source: Amended at 14 Ill. Reg. , effective)

SUBPART E: PROHIBITIONS ON STORAGE

Section 728.150 Prohibitions on Storage of Restricted Wastes

- a) Except as provided in this Section, the storage of hazardous wastes restricted from land disposal under Subpart C is prohibited, unless the following conditions are met:

1) A generator stores such wastes in tanks or containers on-site solely for the purpose of the accumulation of such quantities of hazardous waste as necessary to facilitate proper recovery, treatment or disposal and the generator complies with the requirements in 35 Ill. Adm. Code 722.134. (A generator who is in existence on the effective date of a regulation under this Part and who must store hazardous wastes for longer than 90 days due to the regulations under this Part becomes an owner or operator of a storage facility and must obtain a RCRA permit, as required by 35 Ill. Adm. Code 703. Such a facility may qualify for interim status upon compliance with the regulations governing interim status under 35 Ill. Adm. Code 703.153).

2) An owner or operator of a hazardous waste treatment, storage or disposal facility stores such wastes in tanks or containers solely for the purpose of the accumulation of such quantities of hazardous waste as necessary to facilitate proper recovery, treatment or disposal and

- A) Each container is clearly marked to identify its contents and the date each period of accumulation begins;

B) Each tank is clearly marked with a description of its contents, the quantity of each hazardous waste received and the date each period of accumulation begins, or such information is recorded and maintained in the operating record at the facility. Regardless of whether the tank itself is marked, the owner and operator shall comply with the operating record requirements of 35 Ill. Adm. Code 724.173 or 725.173.

- 3) A transporter stores manifested shipments of such wastes at a transfer facility for 10 days or less.

NOTICE OF PROPOSED AMENDMENTS

- b) An owner or operator of a treatment, storage or disposal facility may store such wastes for up to one year unless the Agency can demonstrate that such storage was not solely for the purpose of accumulation of such quantities of hazardous waste as are necessary to facilitate proper recovery, treatment or disposal.

- c) An owner or operator of a treatment, storage or disposal facility may store such wastes beyond one year; however, the owner or operator bears the burden of proving that such storage was solely for the purpose of accumulation of such quantities of hazardous waste as are necessary to facilitate proper recovery, treatment or disposal.

- d) The prohibition in subsection (a) does not apply to the wastes which are the subject of an approved petition under Section 728.106; a nationwide variance contained in Subpart G; an approved case-by-case extension under Section 728.105 or a valid certification under Section 728.108. If a generator's waste is exempt from a prohibition on the type of land disposal utilized for the waste (for example, because of an approved case-by-case extension under 40 CFR 268.5, incorporated by reference in Section 728.105, an approved Section 728.106 petition or a national capacity variance under 40 CFR 268, Subpart C, the prohibition in subsection (a) does not apply during the period of such exemption.

- e) The prohibition in subsection (a) does not apply to hazardous wastes that meet the treatment standards specified under Sections 728.141, 728.142 and 728.143 or the adjusted treatment standards specified under Section 728.144, or, where treatment standards have not been specified, is in compliance with the applicable prohibitions specified in Section 728.132 or 728.139.

- f) Liquid hazardous wastes containing PCBs at concentrations greater than or equal to 50 ppm must be stored at a facility that meets the requirements of 40 CFR 761.65(b), incorporated by reference in 35 Ill. Adm. Code 720.111, and must be removed from storage and treated or disposed as required by the Part within one year of the date when such wastes are first placed into storage. The provisions of subsection (c) do not apply to such PCB wastes prohibited under Section 728.132.

(Source: Amended at 14 Ill. Reg. , effective)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: RCRA Permit Program
- 2) Code Citation: 35 Ill. Adm. Code 703
- 3) Section Numbers:
703.Appendix A
Proposed Action:
Amendment
- 4) Statutory Authority: Ill. Rev. Stat. 1988 Supp., ch. 111 1/2, pars. 1022.4 and 1027.

5) A Complete Description of the Subjects and Issues Involved:

A complete description is contained in the Board's Proposed Opinion of April 12, 1990, in R90-2, which Opinion is available from the address below. Section 22.4(a) of the Environmental Protection Act (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 1022.4(a)) provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.

This rulemaking updates the Board's RCRA hazardous waste rules to correspond with amendments adopted by USEPA which appeared in the Federal Register during the period July 1 through December 31, 1989. The amendment specifies that an application to extend the closure period to receive only non-hazardous wastes is a Class 2 permit modification.

6) Will this proposed rule replace an emergency rule currently in effect?

No.

7) Does this rulemaking contain an automatic repeal date?

No.

8) Does this proposed Amendment contain incorporations by reference?

No.

9) Are there any other amendments pending on this Part?

No.

10) Statement of Statewide Policy Objectives:

This rulemaking is mandated by Section 22.4(a) of the Environmental Protection Act, and by the federal Resource Conservation and Recovery Act. (42 U.S.C. 6901 et seq.) The statewide policy objectives are set forth in Section 20 of the Environmental Protection Act. This rulemaking imposes mandates on units of local government only to the extent that they may be involved in the treatment, storage or disposal of hazardous waste.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference Docket R90-2 and be addressed to:

Ms. Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center, Suite 11-500
100 W. Randolph St.
Chicago, IL 60601

12) Initial Regulatory Flexibility Analysis:A) Date rule was submitted to the Small Business Office of the Department of Commerce and Community Affairs: April 18, 1990B) Types of small businesses affected:

The existing rules and proposed amendments affect small businesses which treat, store or dispose of hazardous waste.

C) Reporting, bookkeeping or other procedures required for compliance:

The existing rules and proposed amendments require extensive reporting, bookkeeping and other procedures, including the preparation of manifests and annual reports, waste analyses and maintenance of operating records. The amendment allows a shorter form of application for a permit modification to extend closure for receipt of non-hazardous waste only.

D) Types of professional skills necessary for compliance:

Compliance with the existing rules and proposed amendments may require the services of an attorney and registered professional engineer.

The full text of the Proposed Amendment begins on the next page:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
 SUBTITLE G: WASTE DISPOSAL
 CHAPTER I: POLLUTION CONTROL BOARD
 SUBCHAPTER b: PERMITS

PART 703
 RCRA PERMIT PROGRAM

SUBPART A: GENERAL PROVISIONS

Section
 703.100
 703.101
 703.110

Scope and Relation to Other Parts
 Purpose
 References

SUBPART B: PROHIBITIONS

Section
 703.120
 703.121
 703.122
 703.123
 703.124
 703.125
 703.126
 703.127

Prohibitions in General
 RCRA Permits
 Specific Inclusions in Permit Program
 Specific Exclusions from Permit Program
 Discharges of Hazardous Waste
 Reapplications
 Initial Applications
 Federal Permits (Repealed)

SUBPART C: AUTHORIZATION BY RULE AND INTERIM STATUS

Section
 703.140
 703.141
 703.150
 703.151
 703.152
 703.153
 703.154
 703.155
 703.156
 703.157
 703.158
 703.159
 703.160

Purpose and Scope
 Permits by Rule
 Application by Existing HWM Facilities and Interim Status
 Qualifications
 Application by New HWM Facilities
 Amended Part A Application
 Qualifying for Interim Status
 Prohibitions During Interim Status
 Changes During Interim Status
 Interim Status Standards
 Grounds for Termination of Interim Status
 Permits for Less Than an Entire Facility
 Closure by Removal
 Procedures for Closure Determination

SUBPART D: APPLICATIONS

Section
 703.180
 703.181
 703.182
 703.183

Applications in General
 Contents of Part A
 Contents of Part B
 General Information

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

703.184
 703.185
 703.186
 703.187
 703.188
 703.200
 703.201
 703.202
 703.203
 703.204
 703.205
 703.206
 703.207
 703.209

Facility Location Information
 Groundwater Protection Information
 Exposure Information
 Solid Waste Management Units
 Other Information
 Specific Information
 Containers
 Tank Systems
 Surface Impoundments
 Waste Piles
 Incinerators
 Land Treatment
 Landfills
 Miscellaneous Units

SUBPART E: SHORT TERM AND PHASED PERMITS

Section
 703.221
 703.222
 703.223
 703.224
 703.225
 703.230
 703.231

Emergency Permits
 Incinerator Conditions Prior to Trial Burn
 Incinerator Conditions During Trial Burn
 Incinerator Conditions After Trial Burn
 Trial Burns for Existing Incinerators
 Land Treatment Demonstration
 Research, Development and Demonstration Permits

SUBPART F: PERMIT CONDITIONS OR DENIAL

Section
 703.240
 703.241
 703.242
 703.243
 703.244
 703.245
 703.246
 703.247

Permit Denial
 Establishing Permit Conditions
 Noncompliance Pursuant to Emergency Permit
 Monitoring
 Notice of Planned Changes
 Twenty-four Hour Reporting
 Reporting Requirements
 Anticipated Noncompliance

SUBPART G: CHANGES TO PERMITS

Section
 703.260
 703.270
 703.271
 703.272
 703.273
 703.280
 703.281
 703.282
 703.283

Transfer
 Modification
 Causes for Modification or Reissuance
 Causes for Modification or Reissuance
 Facility Siting
 Permit Modification at the Request of the Permittee
 Class 1 Modifications
 Class 2 Modifications
 Class 3 Modifications

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Appendix A Classification of Permit Modifications

AUTHORITY: Implementing Section 22.4 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1988 Supp., ch. 111 1/2, pars. 1022.4 and 1027).

SOURCE: Adopted in R82-19, 53 PCB 131, at 7 Ill. Reg. 14289, effective October 12, 1983; amended in R83-24 at 8 Ill. Reg. 206, effective December 27, 1983; amended in R84-9 at 9 Ill. Reg. 11899, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 1110, effective January 2, 1987; amended in R85-23 at 10 Ill. Reg. 13284, effective July 28, 1986; amended in R86-1 at 10 Ill. Reg. 14093, effective August 12, 1986; amended in R86-19 at 10 Ill. Reg. 20702, effective December 2, 1986; amended in R86-28 at 11 Ill. Reg. 6121, effective March 24, 1987; amended in R86-46 at 11 Ill. Reg. 13543, effective August 4, 1987; amended in R87-5 at 11 Ill. Reg. 19383, effective November 12, 1987; amended in R87-26 at 12 Ill. Reg. 2584, effective January 15, 1988; amended in R87-39 at 12 Ill. Reg. 13069, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 447, effective December 27, 1988; amended in R89-1 at 13 Ill. Reg. 18477, effective November 13, 1989; amended in R89-9 at 14 Ill. Reg. , effective ; amended in R90-2 at 14 Ill. Reg. , effective

Section 703.Appendix A Classification of Permit Modifications

Class Modifications

A. General Permit Provisions

- 1 1. Administrative and informational changes.
- 1 2. Correction of typographical errors.
- 1 3. Equipment replacement or upgrading with functionally equivalent components (e.g., pipes, valves, pumps, conveyors, controls).
4. Changes in the frequency of or procedures for monitoring, reporting, sampling or maintenance activities by the permittee:
 - 1 a. To provide for more frequent monitoring, reporting or maintenance.
 - 2 b. Other changes.
5. Schedule of compliance:
 - 1* a. Changes in interim compliance dates, with prior approval of the Agency.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

BOARD NOTE: "*" indicates that prior Agency approval is required.

- 3 b. Extension of final compliance date.
- 1* 6. Changes in expiration date of permit to allow earlier permit termination, with prior approval of the Agency.
- 1* 7. Changes in ownership or operational control of a facility, provided the procedures of Section 703.260(b) are followed.
- B. General Facility Standards
 1. Changes to waste sampling or analysis methods:
 - 1 a. To conform with Agency guidance or Board regulations.
 - 2 b. Other changes.
 2. Changes to analytical quality assurance/control plan:
 - 1 a. To conform with agency guidance or regulations.
 - 2 b. Other changes.
 3. Changes in procedures for maintaining the operating record.
 2. Changes in frequency or content of inspection schedules.
 5. Changes in the training plan:
 - 2 a. That affect the type or decrease the amount of training given to employees.
 - 1 b. Other changes.
 6. Contingency plan:
 - 2 a. Changes in emergency procedures (i.e., spill or release response procedures).
 - 1 b. Replacement with functionally equivalent equipment, upgrade or relocate emergency equipment listed.
 - 2 c. Removal of equipment from emergency equipment list.
 - 1 d. Changes in name, address or phone number of coordinators or other persons or agencies identified in the plan.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Note: When a permit modification (such as introduction of a new unit) requires a change in facility plans or other general facility standards, that change must be reviewed under the same procedures as the permit modification.

C. Groundwater Protection

1. Changes to wells:

- 2 a. Changes in the number, location, depth or design of upgradient or downgradient wells of permitted groundwater monitoring system.
- 1 b. Replacement of an existing well that has been damaged or rendered inoperable, without change to location, design or depth of the well.

- 1* 2. Changes in groundwater sampling or analysis procedures or monitoring schedule, with prior approval of the Agency.

- 1* 3. Changes in statistical procedure for determining whether a statistically significant change in groundwater quality between upgradient and downgradient wells has occurred, with prior approval of the Agency.

- 2* 4. Changes in point of compliance.

5. Changes in indicator parameters, hazardous constituents or concentration limits (including ACLs (Alternate Concentration Limits)):

- 3 a. As specified in the groundwater protection standard.

- 2 b. As specified in the detection monitoring program.

- 2 6. Changes to a detection monitoring program as required by 35 Ill. Adm. Code 724.198(j), unless otherwise specified in this Appendix.

7. Compliance monitoring program:

- 3 a. Addition of compliance monitoring program as required by 35 Ill. Adm. Code 724.198(h)(4) and 724.199.

- 2 b. Changes to a compliance monitoring program as required by 35 Ill. Adm. Code 724.199(k), unless otherwise specified in this Appendix.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

8. Corrective action program:

- 3 a. Addition of a corrective action program as required by 35 Ill. Adm. Code 724.199(i)(2) and 724.200.

- 2 b. Changes to a corrective action program as required by 35 Ill. Adm. Code 724.200(h), unless otherwise specified in this Appendix.

D. Closure

1. Changes to the closure plan:

- 1* a. Changes in estimate of maximum extent of operations or maximum inventory of waste on-site at any time during the active life of the facility, with prior approval of the Agency.

- 1* b. Changes in the closure schedule for any unit, changes in the final closure schedule for the facility or extension of the closure period, with prior approval of the Agency.

- 1* c. Changes in the expected year of final closure, where other permit conditions are not changed, with prior approval of the Agency.

- 1* d. Changes in procedures for decontamination of facility equipment or structures, with prior approval of the Agency.

- 2 e. Changes in approved closure plan resulting from unexpected events occurring during partial or final closure, unless otherwise specified in this Appendix.

- 2 f. Extension of the closure period to allow a landfill, surface impoundment or land treatment unit to receive non-hazardous wastes after final receipt of hazardous wastes under 35 Ill. Adm. Code 724.213(d) or (e).

- 3 2. Creation of a new landfill unit as part of closure.

- 3 3. Addition of the following new units to be used temporarily for closure activities:

- 3 a. Surface impoundments.

- 3 b. Incinerators.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 3 c. Waste piles that do not comply with 35 Ill. Adm. Code 724.350(c).
- 2 d. Waste piles that comply with 35 Ill. Adm. Code 724.350(c).
- 2 e. Tanks or containers (other than specified below).
- 1* f. Tanks used for neutralization, dewatering, phase separation or component separation, with prior approval of the Agency.

E. Post-Closure

- 1 1. Changes in name, address or phone number of contact in post-closure plan.
- 2 2. Extension of post-closure care period.
- 3 3. Reduction in the post-closure care period.
- 1 4. Changes to the expected year of final closure, where other permit conditions are not changed.
- 2 5. Changes in post-closure plan necessitated by events occurring during the active life of the facility, including partial and final closure.

F. Containers

1. Modification or addition of container units:

- 3 a. Resulting in greater than 25% increase in the facility's container storage capacity, except as provided in F(1)(c) and F(4)(a).
- 2 b. Resulting in up to 25% increase in the facility's container storage capacity, except as provided in F(1)(c) and F(4)(a).
- 1 c. Or treatment processes necessary to treat wastes that are restricted from land disposal to meet some or all of the applicable treatment standards or to treat wastes to satisfy (in whole or in part) the standard of "use of practically available technology that yields the greatest environmental benefit" contained in 40 CFR 268.8(a)(2)(ii), incorporated by reference in 35 Ill. Adm. Code 728.108, with prior approval of the Agency. This modification may also involve the addition of new waste codes or narrative description of wastes. It is not applicable to dioxin-

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

containing wastes (F020, F021, F022, F023, F026, F027 and F028).

2.

- 2 a. Modification of a container unit without increasing the capacity of the unit.
- 1 b. Addition of a roof to a container unit without alteration of the containment system.

3. Storage of different wastes in containers, except as provided in F(4):

- 3 a. That require additional or different management practices from those authorized in the permit.
- 2 b. That do not require additional or different management practices from those authorized in the permit.

Note: See Section 703.280(g) for modification procedures to be used for the management of newly listed or identified wastes.

4. Storage or treatment of different wastes in containers:

- 2 a. That require addition of units or change in treatment process or management standards, provided that the wastes are restricted from land disposal and are to be treated to meet some or all of the applicable treatment standards, or are to be treated to satisfy (in whole or in part) the standard of "use of practically available technology that yields the greatest environmental benefit" contained in 40 CFR 268.8(a)(2)(ii), incorporated by reference in 35 Ill. Adm. Code 728.108. It is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027 and F028).

- 1 b. That do not require the addition of units or a change in the treatment process or management standards, and provided that the units have previously received wastes of the same type (e.g., incinerator scrubber water). This modification is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027 and F028).

5. Other changes in container management practices (e.g., aisle space; types of containers; segregation).

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

G. Tanks

1.
 - a. Modification or addition of tank units resulting in greater than 25% increase in the facility's tank capacity, except as provided in paragraphs G(1)(c), G(1)(d) and G(1)(e).
 - b. Modification or addition of tank units resulting in up to 25% increase in the facility's tank capacity, except as provided in paragraphs G(1)(d) and G(1)(e).
 - c. Addition of a new tank that will operate for more than 90 days using any of the following physical or chemical treatment technologies: neutralization, dewatering, phase separation or component separation.
 - d. After prior approval of the Agency, addition of a new tank that will operate for up to 90 days using any of the following physical or chemical treatment technologies: neutralization, dewatering, phase separation or component separation.
 - e. Modification or addition of tank units or treatment processes that are necessary to treat wastes that are restricted from land disposal to meet some or all of the applicable treatment standards or to treat wastes to satisfy (in whole or in part) the standard of "use of practically available technology that yields the greatest environmental benefit" contained in 40 CFR 268.8(a)(2)(ii), incorporated by reference in 35 Ill. Adm. Code 728.108, with prior approval of the Agency. This modification may also involve the addition of new waste codes. It is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027 and F028).
2. Modification of a tank unit or secondary containment system without increasing the capacity of the unit.
3. Replacement of a tank with a tank that meets the same design standards and has a capacity within +/- 10% of the replaced tank provided:
 - a. The capacity difference is no more than 1500 gallons,
 - b. The facility's permitted tank capacity is not increased and
 - c. The replacement tank meets the same conditions in the

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

permit.

2. 4. Modification of a tank management practice.
 3. 5. Management of different wastes in tanks:
 - a. That require additional or different management practices, tank design, different fire protection specifications or significantly different tank treatment process from that authorized in the permit, except as provided in paragraph G(5)(c).
 - b. That do not require additional or different management practices, tank design, different fire protection specification or significantly different tank treatment process than authorized in the permit, except as provided in paragraph G(5)(d).
- Note: See Section 703.280(g) for modification procedures to be used for the management of newly listed or identified wastes.
1. c. That require addition of units or change in treatment processes or management standards, provided that the wastes are restricted from land disposal and are to be treated to meet some or all of the applicable treatment standards, or that are to be treated to satisfy (in whole or in part) the standard of "use of practically available technology that yields the greatest environmental benefit" contained in 40 CFR 268.8(a)(2)(ii), incorporated by reference in 35 Ill. Adm. Code 728.108. The modification is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027 and F028).
 1. d. That do not require the addition of units or a change in the treatment process or management standards, and provided that the units have previously received wastes of the same type (e.g., incinerator scrubber water). This modification is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027 and F028).
- H. Surface Impoundments
3. 1. Modification or addition of surface impoundment units that result in increasing the facility's surface impoundment storage or treatment capacity.
 3. 2. Replacement of a surface impoundment unit.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 2 3. Modification of a surface impoundment unit without increasing the facility's surface impoundment storage or treatment capacity and without modifying the unit's liner, leak detection system or leachate collection system.
- 2 4. Modification of a surface impoundment management practice.
5. Treatment, storage or disposal of different wastes in surface impoundments:
 - 3 a. That require additional or different management practices or different design of the liner or leak detection system than authorized in the permit.
 - 2 b. That do not require additional or different management practices or different design of the liner or leak detection system than authorized in the permit.

Note: See Section 703.280(g) for modification procedures to be used for the management of newly listed or identified wastes.

- 1 c. That are wastes restricted from land disposal that meet the applicable treatment standards or that are treated to satisfy the standard of "use of practically available technology that yields the greatest environmental benefit" contained in 40 CFR 268.8(a)(2)(ii), incorporated by reference in 35 Ill. Adm. Code 728.108, and provided that the unit meets the minimum technological requirements stated in 40 CFR 268.5(h)(2), incorporated by reference in 35 Ill. Adm. Code 728.105. This modification is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027 and F028).

- 1 d. That are residues from wastewater treatment or incineration, provided the disposal occurs in a unit that meets the minimum technological requirements stated in 40 CFR 268.5(h)(2), incorporated by reference in 35 Ill. Adm. Code 728.105, and provided further that the surface impoundment has previously received wastes of the same type (for example, incinerator scrubber water). This modification is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027 and F028).

- I. Enclosed Waste Piles. For all waste piles, except those complying with 35 Ill. Adm. Code 724.350(c), modifications are treated the same as for a landfill. The following modifications are applicable only

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

to waste piles complying with 35 Ill. Adm. Code 724.350(c).

1. Modification or addition of waste pile units:

- 3 a. Resulting in greater than 25% increase in the facility's waste pile storage or treatment capacity.
- 2 b. Resulting in up to 25% increase in the facility's waste pile storage or treatment capacity.

- 2 2. Modification of waste pile unit without increasing the capacity of the unit.

- 1 3. Replacement of a waste pile unit with another waste pile unit of the same design and capacity and meeting all waste pile conditions in the permit.

- 2 4. Modification of a waste pile management practice.

5. Storage or treatment of different wastes in waste piles:

- 3 a. That require additional or different management practices or different design of the unit.
- 2 b. That do not require additional or different management practices or different design of the unit.

Note: See Section 703.280(g) for modification procedures to be used for the management of newly listed or identified wastes.

J. Landfills and Unenclosed Waste Piles

- 3 1. Modification or addition of landfill units that result in increasing the facility's disposal capacity.

- 3 2. Replacement of a landfill.

- 3 3. Addition or modification of a liner, leachate collection system, leachate detection system, run-off control or final cover system.

- 2 4. Modification of a landfill unit without changing a liner, leachate collection system, leachate detection system, run-off control or final cover system.

- 2 5. Modification of a landfill management practice.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

6. Landfill different wastes:

- 3 a. That require additional or different management practices, different design of the liner, leachate collection system or leachate detection system.
- 2 b. That do not require additional or different management practices, different design of the liner, leachate collection system or leachate detection system.

Note: See Section 703.280(g) for modification procedures to be used for the management of newly listed or identified wastes.

- 1 c. That are wastes restricted from land disposal that meet the applicable treatment standards or that are treated to satisfy the standard of "use of practically available technology that yields the greatest environmental benefit" contained in 40 CFR 268.8(a)(2)(ii), incorporated by reference in 35 Ill. Adm. Code 728.108, and provided that the landfill unit meets the minimum technological requirements stated in 40 CFR 268.5(h)(2), incorporated by reference in 35 Ill. Adm. Code 728.105. This modification is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027 and F028).

- 1 d. That are residues from wastewater treatment or incineration, provided the disposal occurs in a landfill unit that meets the minimum technological requirements stated in 40 CFR 268.5(h)(2), incorporated by reference in 35 Ill. Adm. Code 728.105, and provided further that the landfill has previously received wastes of the same type (for example, incinerator ash). This modification is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027 and F028).

K. Land Treatment

- 3 1. Lateral expansion of or other modification of a land treatment unit to increase area extent.
- 2 2. Modification of run-on control system.
- 3 3. Modify run-off control system.
- 2 4. Other modification of land treatment unit component specifications or standards required in permit.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

5. Management of different wastes in land treatment units:

- 3 a. That require a change in permit operating conditions or unit design specifications.
- 2 b. That do not require a change in permit operating conditions or unit design specifications.

Note: See Section 703.280(g) for modification procedures to be used for the management of newly listed or identified wastes.

6. Modification of a land treatment unit management practice to:

- 3 a. Increase rate or change method of waste application.
- 1 b. Decrease rate of waste application.
- 2 7. Modification of a land treatment unit management practice to change measures of pH or moisture content or to enhance microbial or chemical reactions.
- 3 8. Modification of a land treatment unit management practice to grow food chain crops, to add to or replace existing permitted crops with different food chain crops or to modify operating plans for distribution of animal feeds resulting from such crops.
- 3 9. Modification of operating practice due to detection of releases from the land treatment unit pursuant to 35 Ill. Adm. Code 724.378(g)(2).
- 3 10. Changes in the unsaturated zone monitoring system resulting in a change to the location, depth, number of sampling points or replace unsaturated zone monitoring devices or components of devices with devices or components that have specifications different from permit requirements.
- 2 11. Changes in the unsaturated zone monitoring system that do not result in a change to the location, depth, number of sampling points, or that replace unsaturated zone monitoring devices or components of devices with devices or components having specifications different from permit requirements.
- 2 12. Changes in background values for hazardous constituents in soil and soil-pore liquid.
- 2 13. Changes in sampling, analysis or statistical procedure.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 2 14. Changes in land treatment demonstration program prior to or during the demonstration.
- 1* 15. Changes in any condition specified in the permit for a land treatment unit to reflect results of the land treatment demonstration, provided performance standards are met, and the Agency's prior approval has been received.
- 1* 16. Changes to allow a second land treatment demonstration to be conducted when the results of the first demonstration have not shown the conditions under which the wastes can be treated completely, provided the conditions for the second demonstration are substantially the same as the conditions for the first demonstration and have received the prior approval of the Agency.
- 3 17. Changes to allow a second land treatment demonstration to be conducted when the results of the first demonstration have not shown the conditions under which the wastes can be treated completely, where the conditions for the second demonstration are not substantially the same as the conditions for the first demonstration.
- 2 18. Changes in vegetative cover requirements for closure.
- L. Incinerators
- 3 1. Changes to increase by more than 25% any of the following limits authorized in the permit: A thermal feed rate limit, a waste feed rate limit or an organic chlorine feed rate limit. The Agency shall require a new trial burn to substantiate compliance with the regulatory performance standards unless this demonstration can be made through other means.
- 2 2. Changes to increase by up to 25% any of the following limits authorized in the permit: A thermal feed rate limit, a waste feed limit or an organic chlorine feed rate limit. The Agency shall require a new trial burn to substantiate compliance with the regulatory performance standards unless this demonstration can be made through other means.
- 3 3. Modification of an incinerator unit by changing the internal size or geometry of the primary or secondary combustion units, by adding a primary or secondary combustion unit, by substantially changing the design of any component used to remove HCl or particulates from the combustion gases or by changing other features of the incinerator that could affect its

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 2 4. Modification of an incinerator unit in a manner that will not likely affect the capability of the unit to meet the regulatory performance standards but which will change the operating conditions or monitoring requirements specified in the permit. The Agency may require a new trial burn to demonstrate compliance with the regulatory performance standards.
5. Operating requirements:
- 3 a. Modification of the limits specified in the permit for minimum combustion gas temperature, minimum combustion gas residence time or oxygen concentration in the secondary combustion chamber. The Agency shall require a new trial burn to substantiate compliance with the regulatory performance standards unless this demonstration can be made through other means.
- 3 b. Modification of any stack gas emission limits specified in the permit, or modification of any conditions in the permit concerning emergency shutdown or automatic waste feed cutoff procedures or controls.
- 2 c. Modification of any other operating condition or any inspection or recordkeeping requirement specified in the permit.
6. Incineration of different wastes:
- 3 a. If the waste contains a POHC that is more difficult to incinerate than authorized by the permit or if incineration of the waste requires compliance with different regulatory performance standards than specified in the permit, the Agency shall require a new trial burn to substantiate compliance with the regulatory performance standards, unless this demonstration can be made through other means.
- b. If the waste does not contain a POHC that is more difficult to incinerate than authorized by the permit and if incineration of the waste does not require compliance with different regulatory performance standards than specified in the permit.

BOARD NOTE: See Section 703.280(g) for modification

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

procedures to be used for the management of newly listed or identified wastes.

7. Shakedown and trial burn:

- a. Modification of the trial burn plan or any of the permit conditions applicable during the shakedown period for determining operational readiness after construction, the trial burn period or the period immediately following the trial burn.

- b. Authorization of up to an additional 720 hours of waste incineration during the shakedown period for determining operational readiness after construction, with the prior approval of the Agency.

- c. Changes in the operating requirements set in the permit for conducting a trial burn, provided the change is minor and has received the prior approval of the Agency.

- d. Changes in the ranges of the operating requirements set in the permit to reflect the results of the trial burn, provided the change is minor and has received the prior approval of the Agency.

8. Substitution of an alternate type of fuel that is not specified in the permit.

BOARD NOTE: Derived from 40 CFR 270.42, Appendix I, as adopted at 53 Fed. Reg. 37934, September 28, 1988.

(Source: Amended at 14 Ill. Reg. , effective)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of this Part: Standards for Owners and Operators of Hazardous Waste Treatment, Storage and Disposal Facilities

- 2) Code Citation: 35 Ill. Adm. Code 724

- 3) Section Numbers: 724.113, 724.212, 724.213, 724.242
Proposed Action: Amendment

- 4) Statutory Authority: Ill. Rev. Stat. 1988 Supp., ch. 111 1/2, pars. 1022.4 and 1027.

- 5) A Complete Description of the Subjects and Issues Involved:

A complete description is contained in the Board's Proposed Opinion of April 12, 1990, in R90-2, which Opinion is available from the address below. Section 22.4(a) of the Environmental Protection Act (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 1022.4(a)) provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.

This rulemaking updates the Board's RCRA hazardous waste rules to correspond with amendments adopted by USEPA which appeared in the Federal Register during the period July 1 through December 31, 1989.

These amendments allow certain hazardous waste management units which have received the final volume of hazardous waste to remain open to receive only non-hazardous wastes. In Section 724.213(e), the Board has proposed to utilize the adjusted standards procedures of Section 28.1 of the Act, and 35 Ill. Adm. Code 106, to authorize surface impoundments which do not meet liner and leachate collection requirements to remain open. The operator is required to remove hazardous liquids and sludges, and to develop a contingent corrective measures plan.

- 6) Will this proposed rule replace an emergency rule currently in effect? No.

- 7) Does this rulemaking contain an automatic repeal date? No.

- 8) Does this proposed Amendment contain incorporations by reference? No.

- 9) Are there any other amendments pending on this Part? No.

- 10) Statement of Statewide Policy Objectives:

This rulemaking is mandated by Section 22.4(a) of the Environmental Protection Act, and by the federal Resource Conservation and Recovery Act. (42 U.S.C. 6901 et seq.) The statewide policy objectives are set

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

forth in Section 20 of the Environmental Protection Act. This rulemaking imposes mandates on units of local government only to the extent that they may be involved in the treatment, storage or disposal of hazardous waste.

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference Docket R90-2 and be addressed to:

Ms. Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center, Suite 11-500
100 W. Randolph St.,
Chicago, IL 60601

- 12) Initial Regulatory Flexibility Analysis:

- A) Date rule was submitted to the Small Business Office of the Department of Commerce and Community Affairs: April 18, 1990
- B) Types of small businesses affected:
- The existing rules and proposed amendments affect small businesses which treat, store or dispose of hazardous waste. The amendments allow persons which have certain hazardous waste management units to postpone closure if they accept only non-hazardous waste in the future.

- C) Reporting, bookkeeping or other procedures required for compliance:

The existing rules and proposed amendments require extensive reporting, bookkeeping and other procedures, including the preparation of manifests and annual reports, waste analyses and maintenance of operating records. Most operators wishing to avoid immediate closure would file a permit modification application pursuant to 35 Ill. Adm. Code 703. Operators of surface impoundments would be required to obtain an adjusted standard pursuant to Section 28.1 of the Act and 35 Ill. Adm. Code 106.

- D) Types of professional skills necessary for compliance:

Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist and registered professional engineer.

The full text of the Proposed Amendment begins on the next page.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE G: WASTE DISPOSAL

CHAPTER I: POLLUTION CONTROL BOARD

SUBCHAPTER C: HAZARDOUS WASTE OPERATING REQUIREMENTS

PART 724

STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE AND DISPOSAL FACILITIES

SUBPART A: GENERAL PROVISIONS

Purpose, Scope and Applicability
Relationship to Interim Status Standards

SUBPART B: GENERAL FACILITY STANDARDS

Applicability
Identification Number
Required Notices
General Waste Analysis
Security
General Inspection Requirements
Personnel Training
General Requirements for Ignitable, Reactive or Incompatible Wastes
Location Standards

SUBPART C: PREPAREDNESS AND PREVENTION

Applicability
Design and Operation of Facility
Required Equipment
Testing and Maintenance of Equipment
Access to Communications or Alarm System
Required Aisle Space
Arrangements with Local Authorities

SUBPART D: CONTINGENCY PLAN AND EMERGENCY PROCEDURES

Applicability
Purpose and Implementation of Contingency Plan
Content of Contingency Plan
Copies of Contingency Plan
Amendment of Contingency Plan
Emergency Coordinator
Emergency Procedures

SUBPART E: MANIFEST SYSTEM, RECORDKEEPING AND REPORTING

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Section

724.170 Applicability
724.171 Use of Manifest System
724.172 Manifest Discrepancies
724.173 Operating Record
724.174 Availability, Retention and Disposition of Records
724.175 Annual Report
724.176 Unmanifested Waste Report
724.177 Additional Reports

SUBPART F: RELEASES FROM SOLID WASTE MANAGEMENT UNITS

Section

724.190 Applicability
724.191 Required Programs
724.192 Groundwater Protection Standard
724.193 Hazardous Constituents
724.194 Concentration Limits
724.195 Point of Compliance
724.196 Compliance Period
724.197 General Groundwater Monitoring Requirements
724.198 Detection Monitoring Program
724.199 Compliance Monitoring Program
724.200 Corrective Action Program
724.201 Corrective Action for Solid Waste Management Units

SUBPART G: CLOSURE AND POST-CLOSURE

Section

724.210 Applicability
724.211 Closure Performance Standard
724.212 Closure Plan; Amendment of Plan
724.213 Closure; Time Allowed For Closure
724.214 Disposal or Decontamination of Equipment, Structures and Soils
724.215 Certification of Closure
724.216 Survey Plat
724.217 Post-closure Care and Use of Property
724.218 Post-closure Plan; Amendment of Plan
724.219 Post-closure Notices
724.220 Certification of Completion of Post-closure Care

SUBPART H: FINANCIAL REQUIREMENTS

Section

724.240 Applicability
724.241 Definitions of Terms As Used In This Subpart
724.242 Cost Estimate for Closure
724.243 Financial Assurance for Closure
724.244 Cost Estimate for Post-closure Care
724.245 Financial Assurance for Post-closure Care
724.246 Use of a Mechanism for Financial Assurance of Both Closure and

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Section

724.247 Post-closure Care
724.248 Liability Requirements
724.249 Incapacity of Owners or Operators, Guarantors or Financial Institutions
724.251 Wording of the Instruments

SUBPART I: USE AND MANAGEMENT OF CONTAINERS

Section

724.270 Applicability
724.271 Condition of Containers
724.272 Compatibility of Waste With Container
724.273 Management of Containers
724.274 Inspections
724.275 Containment
724.276 Special Requirements for Ignitable or Reactive Waste
724.277 Special Requirements for Incompatible Wastes
724.278 Closure

SUBPART J: TANK SYSTEMS

Section

724.290 Applicability
724.291 Assessment of Existing Tank System's Integrity
724.292 Design and Installation of New Tank Systems or Components
724.293 Containment and Detection of Releases
724.294 General Operating Requirements
724.295 Inspections
724.296 Response to Leaks or Spills and Disposition of Leaking or unfit-for-use Tank Systems
724.297 Closure and Post-Closure Care
724.298 Special Requirements for Ignitable or Reactive Waste
724.299 Special Requirements for Incompatible Wastes
724.300 Special Requirements for Hazardous Wastes F020, F021, F022, F023, F026 and F027

SUBPART K: SURFACE IMPOUNDMENTS

Section

724.320 Applicability
724.321 Design and Operating Requirements
724.322 Double-lined Surface Impoundments: Exemption from Subpart F:
Ground-water Protection Requirements (Repealed)
724.326 Monitoring and Inspection
724.327 Emergency Repairs; Contingency Plans
724.328 Closure and Post-closure Care
724.329 Special Requirements for Ignitable or Reactive Waste
724.330 Special Requirements for Incompatible Wastes
724.331 Special Requirements for Hazardous Wastes F020, F021, F022, F023, F026 and F027

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

SUBPART L: WASTE PILES

Section	Applicability
724.350	Design and Operating Requirements
724.351	Double-lined Piles: Exemption from Subpart F: Ground-water
724.352	Protection Requirements (Repealed)
724.353	Protection of Liners: Exemption from Subpart F: Ground-water
	Protection Requirements (Repealed)
724.354	Monitoring and Inspection
724.356	Special Requirements for Ignitable or Reactive Waste
724.357	Special Requirements for Incompatible Wastes
724.358	Closure and Post-closure Care
724.359	Special Requirements for Hazardous Wastes F020, F021, F022, F023, F026 and F027

SUBPART M: LAND TREATMENT

Section	Applicability
724.370	Treatment Program
724.371	Treatment Demonstration
724.372	Design and Operating Requirements
724.373	Food-chain Crops
724.376	Unsaturated Zone Monitoring
724.378	Recordkeeping
724.379	Closure and Post-closure Care
724.380	Special Requirements for Ignitable or Reactive Waste
724.381	Special Requirements for Incompatible Wastes
724.382	Special Requirements for Hazardous Wastes F020, F021, F022, F023, F026 and F027

SUBPART N: LANDFILLS

Section	Applicability
724.400	Design and Operating Requirements
724.401	Double-lined Landfills: Exemption from Subpart F: Ground-water
724.402	Protection Requirements (Repealed)
724.403	Monitoring and Inspection
724.409	Surveying and Recordkeeping
724.410	Closure and Post-closure Care
724.412	Special Requirements for Ignitable or Reactive Waste
724.413	Special Requirements for Incompatible Wastes
724.414	Special Requirements for Bulk and Containerized Liquids
724.415	Special Requirements for Containers
724.416	Disposal of Small Containers of Hazardous Waste in Overpacked Drums (Lab Packs)
724.417	Special Requirements for Hazardous Wastes F020, F021, F022, F023, F026 and F027

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

SUBPART O: INCINERATORS

Section	Applicability
724.440	Waste Analysis
724.441	Principal Organic Hazardous Constituents (POHCs)
724.442	Performance Standards
724.443	Hazardous Waste Incinerator Permits
724.444	Operating Requirements
724.445	Monitoring and Inspections
724.447	Closure

SUBPART X: MISCELLANEOUS UNITS

Section	Applicability
724.701	Environmental Performance Standards
724.701	Monitoring, Analysis, Inspection, Response, Reporting and
724.702	Corrective Action
724.703	Post-closure Care

Appendix A RECORDKEEPING INSTRUCTIONS

Appendix B EPA REPORT FORM AND INSTRUCTIONS (Repealed)

Appendix D COCHRAN'S APPROXIMATION TO THE BEHRENS-FISHER STUDENT'S T-TEST

Appendix E EXAMPLES OF POTENTIALLY INCOMPATIBLE WASTE

Appendix I Groundwater Monitoring List

AUTHORITY: Implementing Section 22.4 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1988 Supp., ch. 111 1/2, pars. 1022.4 and 1027).

SOURCE: Adopted in R82-19, 53 PCB 131, at 7 Ill. Reg. 14059, effective October 12, 1983; amended in R84-9 at 9 Ill. Reg. 11964, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 1136, effective January 2, 1986; amended in R86-1 at 10 Ill. Reg. 14119, effective August 12, 1986; amended in R86-28 at 11 Ill. Reg. 6138, effective March 24, 1987; amended in R86-28 at 11 Ill. Reg. 8684, effective April 21, 1987; amended in R86-46 at 11 Ill. Reg. 13577, effective August 4, 1987; amended in R87-5 at 11 Ill. Reg. 19397, effective November 12, 1987; amended in R87-39 at 12 Ill. Reg. 13135, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 458, effective December 28, 1988; amended in R89-1 at 13 Ill. Reg. 18527, effective November 13, 1989; amended in R90-2 at 14 Ill. Reg. , effective

SUBPART B: GENERAL FACILITY STANDARDS

Section 724.113 General Waste Analysis

a) Analysis:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) Before an owner or operator treats, stores or disposes of any hazardous waste, or non-hazardous waste if applicable under Section 724.213(d), the owner or operator shall obtain a detailed chemical and physical analysis of a representative sample of the waste. ~~At a minimum, this analysis must contain all the information which must be known to treat, store or dispose of the waste in accordance with the requirements of this Part of 35 Ill. Adm. Code 728, or with the conditions of a permit issued under 35 Ill. Adm. Code 702, 703 and 705.~~

- 2) The analysis may include data developed under 35 Ill. Adm. Code 721, and existing published or documented data on the hazardous waste or on hazardous waste generated from similar processes.

BOARD NOTE: For example, the facility's records of analyses performed on the waste before the effective date of these regulations, or studies conducted on hazardous waste generated from processes similar to that which generated the waste to be managed at the facility, may be included in the data base required to comply with subsection (a)(1). The owner or operator of an off-site facility may arrange for the generator of the hazardous waste to supply part or all of the information required by subsection (a)(1). If the generator does not supply the information, and the owner or operator chooses to accept a hazardous waste, the owner or operator is responsible for obtaining the information required to comply with this Section.

- 3) The analysis must be repeated as necessary to ensure that it is accurate and up to date. At a minimum, the analysis must be repeated:

- A) When the owner or operator is notified, or has reason to believe, that the process or operation generating the hazardous waste, or non-hazardous waste if applicable under Section 724.213(d), has changed; and
 - B) For off-site facilities, when the results of the inspection required in subsection (a)(4) indicate that the hazardous waste received at the facility does not match the waste designated on the accompanying manifest or shipping paper.
- 4) The owner or operator of an off-site facility shall inspect and, if necessary, analyze each hazardous waste movement received at the facility to determine whether it matches the identity of the waste specified on the accompanying manifest or shipping paper.
- b) The owner or operator shall develop and follow a written waste analysis plan which describes the procedures which it will carry out

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

to comply with subsection (a). The owner or operator shall keep this plan at the facility. At a minimum, the plan must specify:

- 1) The parameters for which each hazardous waste, or non-hazardous waste if applicable under Section 724.213(d), will be analyzed and the rationale for the selection of these parameters (i.e., how analysis for these parameters will provide sufficient information on the waste's properties to comply with subsection (a)).

- 2) The test methods which will be used to test for these parameters.

- 3) The sampling method which will be used to obtain a representative sample of the waste to be analyzed. A representative sample may be obtained using either:

- A) One of the sampling methods described in 35 Ill. Adm. Code 721-Appendix A; or
- B) An equivalent sampling method.

BOARD NOTE: See 35 Ill. Adm. Code 720.121 for related discussion.

- 4) The frequency with which the initial analysis of the waste will be reviewed or repeated to ensure that the analysis is accurate and up to date.
- 5) For off-site facilities, the waste analyses that hazardous waste generators have agreed to supply.
- 6) Where applicable, the methods which will be used to meet the additional waste analysis requirements for specific waste management methods as specified in Sections 724.117, 724.414 and 724.441, and 35 Ill. Adm. Code 728.107. And,
- 7) For surface impoundments exempted from land disposal restrictions under 35 Ill. Adm. Code 728.104(a), the procedures and schedules for:
- A) The sampling of impoundment contents;
 - B) The analysis of test data; and,
 - C) The annual removal of residues which are not delisted under 35 Ill. Adm. Code 720.122 or which exhibit a characteristic of hazardous waste, and either:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

i) Do not meet applicable treatment standards of 35 Ill. Adm. Code 728.Subpart D; or

ii) Where no treatment standards have been established: Such residues are prohibited from land disposal under 35 Ill. Adm. Code 728.132 or 728.139; or such residues are prohibited from land disposal under 35 Ill. Adm. Code 728.133(f).

c) For off-site facilities, the waste analysis plan required in subsection (b) must also specify the procedures which will be used to inspect and, if necessary, analyze each movement of hazardous waste received at the facility to ensure that it matches the identity of the waste designated on the accompanying manifest or shipping paper. At a minimum, the plan must describe:

- 1) The procedures which will be used to determine the identity of each movement of waste managed at the facility; and
- 2) The sampling method which will be used to obtain a representative sample of the waste to be identified, if the identification method includes sampling.

BOARD NOTE: 35 Ill. Adm. Code 703, requires that the waste analysis plan be submitted with Part B of the permit application.

(Source: Amended at 14 Ill. Reg. , effective)

SUBPART G: CLOSURE AND POST-CLOSURE

Section 724.212 Closure Plan; Amendment of Plan

a) Written Plan.

- 1) The owner or operator of a hazardous waste management facility shall have a written closure plan. In addition, certain surface impoundments and waste piles from which the owner or operator intends to remove or decontaminate the hazardous waste at partial or final closure are required by Sections 724.328(c)(1)(A) and 724.358(c)(1)(A) to have contingent closure plans. The plan must be submitted with the permit application, in accordance with 35 Ill. Adm. Code 703.183, and approved by the Agency as part of the permit issuance proceeding under 35 Ill. Adm. Code 705. In accordance with 35 Ill. Adm. Code 703.241, the approved closure plan will become a condition of any RCRA permit.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

2) The Agency's approval of the plan must ensure that the approved closure plan is consistent with Sections 724.211 through 724.215 and the applicable requirements of Sections 724.190 et seq., 724.278, 724.297, 724.328, 724.358, 724.380, 724.410, 724.451 and 724.701. Until final closure is completed and certified in accordance with Section 724.215, a copy of the approved plan and all approved revisions must be furnished to the Agency upon request, including request by mail.

b) Content of plan. The plan must identify steps necessary to perform partial or final closure of the facility at any point during its active life. The closure plan must include, at least:

- 1) A description of how each hazardous waste management unit at the facility will be closed in accordance with Section 724.211;
- 2) A description of how final closure of the facility will be conducted in accordance with Section 724.211. The description must identify the maximum extent of the operations which will be unclosed during the active life of the facility; and
- 3) An estimate of the maximum inventory of hazardous wastes ever on-site over the active life of the facility and a detailed description of the methods to be used during partial closures and final closure, including, but not limited to, methods for removing, transporting, treating, storing or disposing of all hazardous wastes, and identification of the type(s) of off-site hazardous waste management units to be used, if applicable; and
- 4) A detailed description of the steps needed to remove or decontaminate all hazardous waste residues and contaminated containment system components, equipment, structures and soils during partial and final closure, including, but not limited to, procedures for cleaning equipment and removing contaminated soils, methods for sampling and testing surrounding soils and criteria for determining the extent of decontamination required to satisfy the closure performance standard; and
- 5) A detailed description of other activities necessary during the closure period to ensure that all partial closures and final closure satisfy the closure performance standards, including, but not limited to, groundwater monitoring, leachate collection, and run-on and run-off control; and
- 6) A schedule for closure of each hazardous waste management unit and for final closure of the facility. The schedule must include, at a minimum, the total time required to close each

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

hazardous waste management unit and the time required for intervening closure activities which will allow tracking of the progress of partial and final closure. (For example, in the case of a landfill unit, estimates of the time required to treat and dispose of all hazardous waste inventory and of the time required to place a final cover must be included.)

- 7) For facilities that use trust funds to establish financial assurance under Section 724.243 or 724.245 and that are expected to close prior to the expiration of the permit, an estimate of the expected year of final closure.

- c) Amendment of the plan. The owner or operator shall submit a written notification of or request for a permit modification to authorize a change in operating plans, facility design or the approved closure plan in accordance with the applicable procedures in 35 Ill. Adm. Code 702, 703 and 705. The written notification or request must include a copy of the amended closure plan for review or approval by the Agency.

- 1) The owner or operator may submit a written notification or request to the Agency for a permit modification to amend the closure plan at any time prior to notification of partial or final closure of the facility.

- 2) The owner or operator shall submit a written notification of or request for a permit modification to authorize a change in the approved closure plan whenever:

- A) Changes in operating plans or facility design affect the closure plan, or
- B) There is a change in the expected year of closure, if applicable.
- C) In conducting partial or final closure activities, unexpected events require modification of the approved closure plan.

- 3) The owner or operator shall submit a written request for a permit modification including a copy of the amended closure plan for approval at least 60 days prior to the proposed change in the facility design or operation, or no later than 60 days after an unexpected event has occurred which has affected the closure plan. If an unexpected event occurs during the partial or final closure period, the owner or operator shall request a permit modification no later than 30 days after the unexpected event. An owner or operator of a surface impoundment or waste pile that

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

intends to remove all hazardous waste at closure and is not otherwise required to prepare a contingent closure plan under Sections 724.328(c)(1)(A) or 724.358(c)(1)(A), shall submit an amended closure plan to the Agency no later than 60 days after the date the owner or operator or Agency determines that the hazardous waste management unit must be closed as a landfill, subject to the requirements of Section 724.410, or no later than 30 days after that date if the determination is made during partial or final closure. The Agency shall approve, disapprove or modify this amended plan in accordance with the procedures in 35 Ill. Adm. Code 702, 703 and 705. In accordance with 35 Ill. Adm. Code 702.160 and 703.241, the approved closure plan will become a condition of any RCRA permit issued.

- 4) The Agency may request modifications to the plan under the conditions described in Section 724.212(c)(2). The owner or operator shall submit the modified plan within 60 days after the Agency's request, or within 30 days if the change in facility conditions occurs during partial or final closure. Any modifications requested by the Agency ~~shall~~ must be approved in accordance with the procedures in 35 Ill. Adm. Code 702, 703 and 705.

- d) Notification of partial closure and final closure.

- 1) The owner or operator shall notify the Agency in writing at least 60 days prior to the date on which the owner or operator expects to begin closure of a surface impoundment, waste pile, land treatment or landfill unit, or final closure of a facility with such a unit. The owner or operator shall notify the Agency in writing at least 45 days prior to the date on which the owner or operator expects to begin final closure of a facility with only treatment or storage tanks, container storage, or incinerator units to be closed.

- 2) The date when the owner or operator "expects to begin closure" must be either:

- A) No later than 30 days after the date on which any hazardous waste management unit receives the known final volume of hazardous wastes or, if there is a reasonable possibility that the hazardous waste management unit will receive additional hazardous wastes, no later than one year after the date on which the unit received the most recent volume of hazardous waste. If the owner or operator of a hazardous waste management unit demonstrates to the Agency that the hazardous waste management unit or facility has the capacity to receive additional hazardous wastes and

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

that the owner and operator have taken, and will continue to take, all steps to prevent threats to human health and the environment, including compliance with all applicable permit requirements, the Agency shall approve an extension to this one-year limit. Or,

- B) For units meeting the requirements of Section 724.213(d), no later than 30 days after the date on which the hazardous waste management unit receives the final known volume of non-hazardous wastes, or, if there is a reasonable possibility that the hazardous waste management unit will receive additional non-hazardous wastes, no later than one year after the date on which the unit received the most recent volume of non-hazardous wastes. If the owner or operator of demonstrates to the Agency that the hazardous waste management unit has the capacity to receive additional non-hazardous wastes and that the owner and operator have taken, and will continue to take, all steps to prevent threats to human health and the environment, including compliance with all applicable permit requirements, the Agency shall approve an extension to this one-year limit.

- 3) If the facility's permit is terminated, or if the facility is otherwise ordered, by judicial decree or Board order to cease receiving hazardous wastes or to close, then the requirements of this subsection do not apply. However, the owner or operator shall close the facility in accordance with the deadlines established in Section 724.213.

- e) Removal of wastes and decontamination or dismantling of equipment. Nothing in this Section shall preclude the owner or operator from removing hazardous wastes and decontaminating or dismantling equipment in accordance with the approved partial or final closure plan at any time before or after notification of partial or final closure.

(Source: Amended at 14 Ill. Reg. , effective)

Section 724.213 Closure; Time Allowed for Closure

- a) All permits ~~shall~~ must require that, within 90 days after receiving the final volume of hazardous wastes, or the final volume of non-hazardous wastes, if the owner or operator complies with all the applicable requirements of subsections (d) and (e), at a hazardous waste management unit or facility, the owner or operator treat, remove from the unit or facility, or dispose of on-site, all hazardous wastes in accordance with the approved closure plan, unless

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

the owner or operator makes the following demonstration by way of permit application or modification application. The Agency shall approve a longer period if the owner or operator demonstrates that:

- 1) Either:

- A) The activities required to comply with this subsection will, of necessity, take longer than 90 days to complete; or

- B) All of the following:

- i) The hazardous waste management unit or facility has the capacity to receive additional hazardous wastes, or has the capacity to receive non-hazardous wastes, if the owner or operator complies with subsections (d) and (e); and

- ii) There is a reasonable likelihood that the owner or operator or another person will recommence operation of the hazardous waste management unit or facility within one year; and

- iii) Closure of the hazardous waste management unit or facility would be incompatible with continued operation of the site; and

- 2) The owner or operator has taken and will continue to take all steps to prevent threats to human health and the environment, including compliance with all applicable permit requirements.

- b) All permits ~~shall~~ must require that the owner or operator complete partial and final closure activities in accordance with the approved closure plan and within 180 days after receiving the final volume of hazardous wastes, or the final volume of non-hazardous wastes, if the owner or operator complies with all applicable requirements in subsections (d) and (e), at the hazardous waste management unit or facility, unless the owner or operator makes the following demonstration by way of permit application or modification application. The Agency shall approve a longer closure period if the owner or operator demonstrates that:

- 1) Either:

- A) The partial or final closure activities will, of necessity, take longer than 180 days to complete; or

- B) All of the following:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- i) The hazardous waste management unit or facility has the capacity to receive additional hazardous wastes, or has the capacity to receive non-hazardous wastes, if the owner or operator complies with subsections (d) and (e); and,
- ii) There is reasonable likelihood that the owner or operator or another person will recommence operation of the hazardous waste management unit or facility within one year; and
- iii) Closure of the hazardous waste management unit or facility would be incompatible with continued operation of the site; and

2) The owner and operator have taken and will continue to take all steps to prevent threats to human health and the environment from the unclosed but not operating hazardous waste management unit or facility including compliance with all applicable permit requirements.

c) The demonstrations referred to in subsections (a)(1) and (b)(1) ~~shall~~ must be made as follows:

- 1) The demonstration in subsection (a)(1) ~~must~~ shall be made at least 30 days prior to the expiration of the 90-day period in subsection (a); and
- 2) The demonstration in subsection (b)(1) ~~must~~ shall be made at least 30 days prior to the expiration of the 180-day period in subsection (b), unless the owner or operator is otherwise subject to deadlines in subsection (d).

d) Continued receipt of non-hazardous waste. The Agency shall permit an owner or operator to receive only non-hazardous wastes in a landfill, land treatment unit or surface impoundment unit after the final receipt of hazardous wastes at that unit if:

- 1) The owner or operator requests a permit modification in compliance with all applicable requirements in 35 Ill. Adm. Code 702, 703 and 705, and in the permit modification request demonstrates that:

A) The unit has the existing design capacity as indicated on the Part A application to receive non-hazardous wastes, and

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- B) There is a reasonable likelihood that the owner or operator or another person will receive non-hazardous wastes in the unit within one year after the final receipt of hazardous wastes; and
- C) The non-hazardous wastes will not be incompatible with any remaining wastes in the unit, or with the facility design and operating requirements of the unit or facility under this Part; and
- D) Closure of the hazardous waste management unit would be incompatible with continued operation of the unit or facility; and
- E) The owner or operator is operating and will continue to operate in compliance with all applicable permit requirements; and

2) The request to modify the permit includes an amended waste analysis plan, groundwater monitoring and response program, human exposure assessment required under 35 Ill. Adm. Code 703.186, and closure and post-closure plans and updated cost estimates and demonstrations of financial assurance for closure and post-closure care as necessary and appropriate, to reflect any changes due to the presence of hazardous constituents in the non-hazardous wastes, and changes in closure activities, including the expected year of closure if applicable under Section 724.212(b)(7), as a result of the receipt of non-hazardous wastes following the final receipt of hazardous wastes; and

3) The request to modify the permit includes revisions, as necessary and appropriate, to affected conditions of the permit to account for the receipt of non-hazardous wastes following receipt of the final volume of hazardous wastes; and

4) The request to modify the permit and the demonstrations referred to in subsections (d)(1) and (2) are submitted to the Agency no later than 120 days prior to the date on which the owner or operator of the facility receives the known final volume of hazardous wastes at the unit, or no later than 90 days after the effective date of this Section, whichever is later.

e) Surface impoundments. In addition to the requirements in subsection (d), an owner or operator of a hazardous waste surface impoundment which is not in compliance with the liner and leachate collection system requirements in Section 724.321(c), (d) or (e) shall receive non-hazardous wastes only as authorized by an adjusted standard

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

pursuant to this subsection.

- 1) The petition for adjusted standard must include:
 - A) A plan for removing hazardous wastes; and
 - B) A contingent corrective measures plan.
- 2) The removal plan must provide for:
 - A) Removing all hazardous liquids; and
 - B) Removing all hazardous sludges to the extent practicable without impairing the integrity of the liner or liners, if any; and
 - C) Removal of hazardous wastes no later than 90 days after the final receipt of hazardous wastes. The Board will allow a longer time, if the owner or operator demonstrates:
 - i) That the removal of hazardous wastes will, of necessity, take longer than the allotted period to complete; and
 - ii) That an extension will not pose a threat to human health and the environment.
- 3) The contingent corrective measures plan:
 - A) Must meet the requirements of a corrective action plan under Section 724.199, based upon the assumption that a release has been detected from the unit.
 - B) May be a portion of a corrective action plan previously submitted under Section 724.199.
 - C) May provide for continued receipt of non-hazardous wastes at the unit following a release only if the owner or operator demonstrates that continued receipt of wastes will not impede corrective action.
 - D) Must provide for implementation within one year after a release, or within one year after the grant of the adjusted standard, whichever is later.
- 4) Release. A release is a statistically significant increase (or decrease in the case of pH) over background values for detection monitoring parameters or constituents specified in the permit,

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

or over the facility's groundwater protection standard at the point of compliance, if applicable, detected in accordance with the requirements in Subpart F.

- 5) In the event of a release, the owner or operator of the unit:
 - A) Within 35 days, file with the Board a petition for adjusted standard. If the Board finds that it is necessary to do so in order to protect human health and the environment, the Board will modify the adjusted standard to require the owner or operator to:
 - i) Begin to implement the corrective measures plan in less than one year; or,
 - ii) Cease the receipt of wastes until the plan has been implemented.
 - iii) The Board will retain jurisdiction or condition the adjusted standard so as to require the filing of a new petition to address any required closure pursuant to subsection (e)(7).
 - B) Shall implement the contingent corrective measures plan.
 - C) May continue to receive wastes at the unit if authorized by the approved contingent measures plan.
- 6) Semi-annual report. During the period of corrective action, the owner or operator shall provide semi-annual reports to the Agency which:
 - A) Describe the progress of the corrective action program;
 - B) Compile all groundwater monitoring data; and
 - C) Evaluate the effect of the continued receipt of non-hazardous wastes on the effectiveness of the corrective action.
- 7) Required closure. The owner or operator shall commence closure of the unit in accordance with the closure plan and the requirements of this Part if the Board terminates the adjusted standard, or if the adjusted standard terminates pursuant to its terms.
 - A) The Board will terminate the adjusted standard if the owner or operator failed to implement corrective action measures

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

in accordance with the approved contingent corrective measures plan; or

- B) The Board will terminate the adjusted standard if the owner or operator fails to make substantial progress in implementing the corrective measures plan and achieving the facility's groundwater protection standard, or background levels if the facility has not yet established a groundwater protection standard; or
- C) The adjusted standard will automatically terminate if the owner or operator fails to implement the removal plan.
- D) The adjusted standard will automatically terminate if the owner or operator fails to timely file a required petition for adjusted standard.

8) Adjusted standard procedures. The following procedures must be used in granting, modifying or terminating an adjusted standard pursuant to this subsection.

- A) Except as otherwise provided, the owner or operator shall follow the procedures of 35 Ill. Adm. Code 106. Subpart 6 to petition the Board for an adjusted standard.
- B) Initial justification. The Board will grant an adjusted standard pursuant to subsection (e)(1) if the owner or operator demonstrates that the removal plan and contingent corrective measures plans meet the requirements of subsections (e)(2) and (3).
- C) The Board will include the following conditions in granting an adjusted standard pursuant to subsection (e)(1):
 - i) A plan for removing hazardous wastes.
 - ii) A requirement that the owner or operator remove hazardous wastes in accordance with the plan.
 - iii) A contingent corrective measures plan.
 - iv) A requirement that, in the event of a release, the owner or operator shall: within 35 days, file with the Board a petition for adjusted standard; implement the corrective measures plan; and, file semi-annual reports with the Agency.
 - v) A condition that the adjusted standard will terminate

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

if the owner or operator fails to: implement the removal plan; or, timely file a required petition for adjusted standard.

- vi) A requirement that, in the event the adjusted standard is terminated, the owner or operator shall commence closure of the unit in accordance with the requirements of the closure plan and this Part.
- D) Justification in the event of a release. The Board will modify or terminate the adjusted standard pursuant to a petition filed under subsection (e)(5)(A) as provided in that subsection or in subsection (e)(7).
- 9) The Agency shall modify the RCRA permit to include the adjusted standard.
- 10) The owner or operator may file a permit modification application with a revised closure plan within 15 days after an adjusted standard is terminated.

(Source: Amended at 14 Ill. Reg. , effective)

SUBPART H: FINANCIAL REQUIREMENTS

Section 724.242 Cost Estimate for Closure

- a) The owner or operator shall have a detailed written estimate, in current dollars, of the cost of closing the facility in accordance with the requirements in Sections 724.211 through 724.215 and applicable closure requirements in Sections 724.278, 724.297, 724.328, 724.358, 724.380, 724.410, 724.451 and 724.701 through 724.703.
- 1) The estimate must equal the cost of final closure at the point in the facility's active life when the extent and manner of its operation would make closure the most expensive, as indicated by its closure plan (see Section 724.212(b)); and
- 2) The closure cost estimate must be based on the costs to the owner or operator of hiring a third party to close the facility. A third party is a party who is neither a parent nor a subsidiary of the owner or operator. (See definition of parent corporation in Section 724.241(d)). The owner or operator may use costs for on-site disposal if the owner or operator demonstrates that on-site disposal capacity will exist at all times over the life of the facility.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 3) The closure cost estimate must not incorporate any salvage value that may be realized with the sale of hazardous wastes, or non-hazardous wastes if applicable under Section 724.213(d), facility structures or equipment, land or other assets associated with the facility at the time of partial or final closure.
- 4) The owner or operator shall not incorporate a zero cost for hazardous wastes, or non-hazardous wastes if applicable under Section 724.213(d), that might have economic value.
- b) During the active life of the facility, the owner or operator shall adjust the closure cost estimate for inflation within 60 days prior to the anniversary date of the establishment of the financial instrument(s) used to comply with Section 724.243. For owners and operators using the financial test or corporate guarantee, the closure cost estimate must be updated for inflation within 30 days after the close of the firm's fiscal year and before submission of updated information to the Agency as specified in Section 724.243(f)(3). The adjustment may be made by recalculating the maximum costs of closure in current dollars, or by using an inflation factor derived from the annual Implicit Price Deflator for Gross National Product as published by the U.S. Department of Commerce in its Survey of Current Business as specified in subsections (b)(1) and (b)(2). The inflation factor is the result of dividing the latest published annual Deflator by the Deflator for the previous year.
- 1) The first adjustment is made by multiplying the closure cost estimate by the inflation factor. The result is the adjusted closure cost estimate.
- 2) Subsequent adjustments are made by multiplying the latest adjusted closure cost estimate by the latest inflation factor.
- c) During the active life of the facility the owner or operator shall revise the closure cost estimate no later than 30 days after the Agency has approved the request to modify the closure plan, if the change in the closure plan increases the cost of closure. The revised closure cost estimate must be adjusted for inflation as specified in Section 724.242(b).
- d) The owner or operator shall keep the following at the facility during the operating life of the facility: The latest closure cost estimate prepared in accordance with Sections 724.242(a) and (c) and, when this estimate has been adjusted in accordance with Section 724.242(b), the latest adjusted closure cost estimate.

(Source: Amended at 14 Ill. Reg. , effective)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Standards for the Management of Specific Hazardous Waste and Specific Types of Hazardous Waste Management Facilities

- 2) Code Citation: 35 Ill. Adm. Code 726

- 3) Section Numbers: Proposed Action:

726.120 Amendment

- 4) Statutory Authority: Ill. Rev. Stat. 1988 Supp., ch. 111 1/2, pars. 1022.4 and 1027.

- 5) A Complete Description of the Subjects and Issues Involved:

A complete description is contained in the Board's Proposed Opinion of April 12, 1990, in R90-2, which Opinion is available from the address below. Section 22.4(a) of the Environmental Protection Act (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 1022.4(a)) provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.

This rulemaking updates the Board's RCRA hazardous waste rules to correspond with amendments adopted by USEPA which appeared in the Federal Register during the period July 1 through December 31, 1989. The amendment is a correction to the "first third" land disposal bans, concerning commercial fertilizers made from hazardous waste.

- 6) Will this proposed rule replace an emergency rule currently in effect? No.

- 7) Does this rulemaking contain an automatic repeal date? No.

- 8) Does this proposed Amendment contain incorporations by reference? No.

- 9) Are there any other amendments pending on this Part? No.

- 10) Statement of Statewide Policy Objectives:

This rulemaking is mandated by Section 22.4(a) of the Environmental Protection Act, and by the federal Resource Conservation and Recovery Act. (42 U.S.C. 6901 et seq.) The statewide policy objectives are set forth in Section 20 of the Environmental Protection Act. This rulemaking imposes mandates on units of local government only to the extent that they may be involved in the production of commercial fertilizer from hazardous waste.

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference Docket R90-2 and be addressed to:

Ms. Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center, Suite 11-500
100 W. Randolph St.
Chicago, IL 60601

12) Initial Regulatory Flexibility Analysis:

- A) Date rule was submitted to the Small Business Office of the Department of Commerce and Community Affairs: April 18, 1990
- B) Types of small businesses affected:
The existing rules and proposed amendments affect small businesses which produce commercial fertilizer from hazardous waste.
- C) Reporting, bookkeeping or other procedures required for compliance:
The existing rules and proposed amendments require extensive reporting, bookkeeping and other procedures, including the preparation of manifests and annual reports, waste analyses and maintenance of operating records.
- D) Types of professional skills necessary for compliance:
Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist and registered professional engineer.

The full text of the Proposed Amendment begins on the next page:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE G: WASTE DISPOSAL
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER C: HAZARDOUS WASTE OPERATING REQUIREMENTS

PART 726

STANDARDS FOR THE MANAGEMENT OF SPECIFIC HAZARDOUS WASTE
AND SPECIFIC TYPES OF HAZARDOUS WASTE MANAGEMENT FACILITIES

SUBPART C: RECYCLABLE MATERIALS USED IN A MANNER
CONSTITUTING DISPOSAL

Section
726.120
726.121

726.122
726.123

Applicability

Standards applicable to generators and transporters of materials used in a manner that constitutes disposal
Standards applicable to storers, who are not the ultimate users, of materials that are to be used in a manner that constitutes disposal
Standards applicable to users of materials that are used in a manner that constitutes disposal

SUBPART D: HAZARDOUS WASTE BURNED FOR ENERGY RECOVERY

Section
726.130
726.131
726.132
726.133
726.134
726.135
726.136

Applicability

Prohibitions
Standards applicable to generators of hazardous waste fuel
Standards applicable to transporters of hazardous waste fuel
Standards applicable to marketers of hazardous waste fuel
Standards applicable to burners of hazardous waste fuel
Conditional exemption for spent materials and by-products exhibiting a characteristic of hazardous waste

SUBPART E: USED OIL BURNED FOR ENERGY RECOVERY

Section
726.140
726.141
726.142

726.143
726.144

Applicability

Prohibitions
Standards applicable to generators of used oil burned for energy recovery
Standards applicable to marketers of used oil burned for energy recovery
Standards applicable to burners of used oil burned for energy recovery

SUBPART F: RECYCLABLE MATERIALS UTILIZED FOR PRECIOUS METAL
RECOVERY

Section
726.170

Applicability and requirements

SUBPART G: SPENT LEAD-ACID BATTERIES BEING RECLAIMED

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Section 726.180 Applicability and requirements

AUTHORITY: Implementing Section 22.4 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1988 Supp., ch. 111 1/2, pars. 1022.4 and 1027).

SOURCE: Adopted in R85-22 at 10 Ill. Reg. 1162, effective January 2, 1986; amended in R86-1 at 10 Ill. Reg. 14156, effective August 12, 1986; amended in R87-26 at 12 Ill. Reg. 2900, effective January 15, 1988; amended in R89-1 at 13 Ill. Reg. 18606, effective November 13, 1989; amended in R90-2 at 14 Ill. Reg. , effective

SUBPART C: RECYCLABLE MATERIALS USED IN A MANNER CONSTITUTING DISPOSAL

Section 726.120 Applicability

a) The regulations of this Subpart apply to recyclable materials that are applied to or placed on the land;

- 1) Without mixing with any other substance(s); or
- 2) After mixing or combination with any other substance(s). These materials will be referred to throughout this Subpart as "materials used in a manner that constitutes disposal."

b) Products produced for the general public's use that are used in a manner that constitutes disposal and that contain recyclable materials are not presently subject to regulation under this Subpart if the recyclable materials have undergone a chemical reaction in the course of producing the products so as to become inseparable by physical means and if such products meet the applicable treatment standards in 35 Ill. Adm. Code 728-Subpart D (or applicable prohibition levels in 35 Ill. Adm. Code 728.132 or 728.139, where no treatment standards have been established) for each recyclable material (i.e. hazardous waste ~~constituent~~) that they contain. Commercial fertilizers that are produced for the general public's use that contain recyclable materials also are not presently subject to regulation, provided they meet the same treatment standards or prohibitions levels for each recyclable material they contain. However, zinc-containing fertilizers using hazardous waste K061 that are produced for the general public's use ~~that contain recyclable materials also~~ are not presently subject to regulation under this Subpart.

(Source: Amended at 14 Ill. Reg. , effective)

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

1) The Heading of the Part: REIMBURSEMENT FOR NURSING COSTS FOR GERIATRIC FACILITIES

2) Code Citation: 89 Ill. Adm. Code 147

3) Section Number: Proposed Action:

147.150 Amendment

4) Statutory Authority: Sections 5-5.1 et seq. and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, Ch. 23, Pars. 5-5.1 et seq. and 12-13)

5) A Complete Description of the Subjects and Issues Involved: This proposed rule change is implementing an annual IOC survey. It also includes criteria for a facility to request an interim IOC for a midyear rate change and a change in who is to be included in the IOC.

6) Will this Proposed Amendment replace an Emergency Amendment currently in effect? Yes

7) Does this rulemaking contain an automatic repeal date?

Yes X No

8) Does this Proposed Amendment contain incorporations by reference? No

9) Are there any other Proposed Amendment pending on this Part? Yes

Section Numbers	Proposed Action	Illinois Register Citation
147.250	Amendment	April 13, 1990 (14 Ill Reg. 5434)

10) Statement of Statewide Policy Objectives: This rulemaking has no effect on local governmental units.

11) Time, place, and Manner in which interested persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning the proposed rulemaking. All comments must be in writing and should be addressed to Daniel Leikvold, Staff Attorney, Office of the General Counsel, Illinois Department of Public Aid, Jesse B. Harris Building II, 100 South Grand Avenue East, 3rd Floor, Springfield, Illinois 62762 (217 782-1233). The Department will consider all

written comments it receives within 30 days of the date of publication of this notice.

12) Initial Regulatory Flexibility Analysis:

- A) Date Proposed Amendment was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: April 19, 1990
- B) Types of small businesses affected: Medical Providers
- C) Reporting, bookkeeping or other procedures required for compliance: No new procedures required.
- D) Types of professional skills necessary for compliance: No new skills required.

The full text of the Proposed Amendment is identical to the text of the Emergency Amendment which appears in this issue of the Register on page 6917.

- 1) Heading of the Part: Centers for Independent Living
- 2) Code Citation: 89 Ill. Adm. Code 885
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
885.10	new Section
885.30	new Section
885.100	new Section
885.110	new Section
885.200	new Section
885.210	new Section
- 4) Statutory Authority: Implementing and authorized by Section 12a of "AN ACT in relation to rehabilitation of persons with one or more disabilities" (Ill. Rev. Stat. 1987 and 1988 Supp., ch. 23, par. 3443a).
- 5) A Complete Description of the Subjects and Issues involved: Part 885 promulgates the rules for the establishment and administration of the Centers for Independent Living.
- 6) Will this proposed rule replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date?
Yes ☐ No ☒
- 8) Does this proposed rule contain incorporations by reference? No
- 9) Are there any other amendments pending on this Part? No
- 10)

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
<u>Statement of Statewide Policy Objectives (if applicable):</u> Not Applicable		
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning these rules within 45 days after this issue of the Illinois Register. All requests and comments should be submitted in writing to:

Ms. Leigh Reed
 Regulations and Procedures Division
 Department of Rehabilitation Services
 P.O. Box 19429
 Springfield, Illinois 62794-9429

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED RULES

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF REHABILITATION SERVICES
SUBCHAPTER h: MISCELLANEOUS PROGRAMS

PART 885

CENTERS FOR INDEPENDENT LIVING

SUBPART A: GENERAL PROVISIONS

Section
885.10 Definitions
885.30 Eligibility for CIL Establishment Grants

SUBPART B: CIL ESTABLISHMENT GRANT
SELECTION CRITERIA

Section
885.100 Developmental and Organizational Activities and
Accomplishments
885.110 Program Plan

SUBPART C: COMPLIANCE STANDARDS AND CRITERIA

Section
885.200 Annual Compliance Review
885.210 Appeal of Compliance Review Ratings

AUTHORITY: Implementing and authorized by Section 12a of "AN ACT in relation to rehabilitation of persons with one or more disabilities" (Ill. Rev. Stat. 1987 and 1988 Supp., ch. 23, par. 3443a).

SOURCE: Adopted at _____ Ill. Reg. _____,
effective _____.

NOTE: Statutory language is denoted by capital letters.

SUBPART A: GENERAL PROVISIONS

Section 885.10 Definitions

"Advocacy" means efforts to remove systemic and individual barriers to independent living.

"CIL" means CENTERS FOR INDEPENDENT LIVING, which are CONSUMER CONTROLLED, COMMUNITY BASED, NON-RESIDENTIAL, NOT-FOR-PROFIT CORPORATIONS PROVIDING SERVICES TO

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED RULES

Telephone number: (217) 785-3896
T.D.D.: (217) 782-5734

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

- 12) Initial Regulatory Flexibility Analysis: The Department has determined that this rulemaking will not effect small businesses.

The full text of the Proposed Rule(s) begins on the next page:

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED RULES

DISABLED PERSONS, WHICH SERVICES MAXIMIZE THOSE PERSONS' INDEPENDENCE in AND INTEGRATION into THEIR COMMUNITY.

"Consumer" means a user or potential user of the CIL's services.

"CONSUMER CONTROLLED" MEANS THAT AT LEAST 51% OF THE DIRECTORS OF THE CIL CORPORATION ARE DISABLED AS DEFINED BY Section 1b of "AN ACT in relation to rehabilitation of persons with one or more disabilities" (Ill. Rev. Stat. 1987 and 1988 Supp., ch. 23, par. 3432).

"Severe Disability" means a physical or mental disability which seriously limits one or more functional capacities (i.e., mobility, communication, self-care, work tolerance or work skills).

Section 885.30 CIL Establishment Grants

a) Applicants for establishment grants from the Department of Rehabilitation Services (DORS) will be subject to a peer group review using the selection criteria in Subpart B of this Part. The peer group, composed of 9 non-DORS employees with experience in the independent living field, will make recommendations to the Director, who shall make the final grant decision.

b) Grant priorities shall be established with consideration of the recommendations of the Independent Living Advisory Council's Five Year State Plan for Independent Living. Priority shall also be given to the establishment of CILs in geographic areas which have underserved populations. The provision of these grants is subject to the availability of funds.

c) The recipient or applicant of a CIL establishment grant must be an Illinois incorporated non-profit, non-residential organization which is consumer controlled.

SUBPART B: CIL ESTABLISHMENT GRANT
SELECTION CRITERIA

Section 885.100 Developmental and Organizational Activities and Accomplishments

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED RULES

a) Each grant proposal must contain evidence:

- 1) of broad-based support of people with severe disabilities and consumer groups;
- 2) that efforts have been made to involve people with a variety of disability types in organizing the CIL initiative;
- 3) that the group or board which is developing the CIL proposal is composed of at least a majority of people with severe disabilities; and
- 4) of substantial (51%) involvement of persons with severe disabilities in the planning and development of the CIL.

b) The grant proposal shall show knowledge of community resources and needs by containing information:

- 1) demonstrating the applicant's knowledge of existing community resources and services already being provided to people with severe disabilities; and
- 2) which shows an understanding of what services and resources are needed in the community to facilitate independent living of persons who have severe disabilities.

c) The grant proposal shall demonstrate the applicant is involved and supported by the community by documenting:

- 1) efforts to provide information to and gain the support of the city council, county board or other local government entities;
- 2) efforts to gain the support and cooperation of other community agencies, organizations, and the business community; and
- 3) efforts to gain the support and/or direct involvement of key community leaders and/or people with expertise or skills necessary for the efficient operation of the program. (E.g., lawyers, accountants, bankers, business people, service providers.)

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED RULES

- d) The grant proposal shall contain letters of support from:
- 1) people with severe disabilities,
 - 2) consumer groups,
 - 3) government agencies (e.g., town councils, county boards),
 - 4) service agencies,
 - 5) key individuals (e.g., state and federal legislators), and
 - 6) business owners and employers.
- e) The grant proposal shall contain information about the applicant's (or individual group member's) achievements and describe:
- 1) the type and extent of involvement in advocacy efforts;
 - 2) the extent of involvement in various community activities relating to people with severe disabilities;
 - 3) the extent of participation in the identification and resolution of issues affecting people with severe disabilities, and
 - 4) the extent to which direct services have been provided.
- f) Each proposal shall contain established program priorities, based on the applicant's knowledge of services and resources needed for independent living by people with severe disabilities in their respective communities.
- g) Each proposal shall contain the proposed CIL's short and long range geographic scope.
- Section 885.110 Program Plan
- a) 1) Each proposal shall contain a plan of operation for the project.

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED RULES

- 2) Each proposal shall contain information which demonstrates:
- A) the design of the project,
 - B) a plan of management that insures proper and efficient administration of the project,
 - C) a description of how the objectives of the project relate to the purpose of the program,
 - D) the way the applicant plans to use its resources and personnel to achieve each objective, and
 - E) a description of how the applicant will provide equal access and treatment for eligible project participants who are members of groups that have been traditionally underrepresented, such as:
 - i) members of racial or ethnic minority groups,
 - ii) women,
 - iii) persons with severe disabilities, and
 - iv) the elderly.
- b) Service comprehensiveness
- 1) Each proposal shall contain information on the scope of services.
 - 2) The proposal shall include evidence that:
 - A) individual services and service objectives will be consumer controlled;
 - B) demonstrates that the CIL will utilize, and therefore not duplicate, services which are presently being provided in the community and meet existing needs;
 - C) the CIL will provide the consumer directed services identified in Section 885.240(a) and (b);

DEPARTMENT OF REHABILITATION SERVICES

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED RULES

NOTICE OF PROPOSED RULES

D) efforts will be made to provide as many as possible of the consumer directed services identified in Section 885.240(c). Services to be provided should be listed and discussed.

d) Budget and cost effectiveness.
1) Each application will be reviewed for information showing that the project has an adequate budget and is cost effective.

E) the project will provide services to individuals with a broad range of disabilities including persons with mental retardation, mental illness, or sensory impairments; and

2) Each proposal shall contain information which shows:

A) the budget for the project is adequate to support the project activities; and

F) the project will implement a timely and equitable appeal process which will be available to the CIL's consumers to resolve grievances.

B) costs are reasonable in relation to the objectives of the project.

e) Evaluation plan

c) Key personnel

The proposal must contain:

1) Each proposal shall include information which shows the qualifications of the key personnel (e.g., board members, program staff) the applicant plans to use on the project.

1) information showing methods of evaluation that are appropriate for the project and, to the extent possible, are objective and produce data that are quantifiable;

2) The proposal shall contain information which shows:

2) an evaluation plan which, at the end of each funding cycle, shall reflect at a minimum the following:

A) a commitment to hiring qualified people with severe disabilities;

A) the numbers and types of people with severe disabilities assisted;

B) the time that each person referred to in this subsection will commit to the project; and

B) the extent to which individuals with varying disabling conditions were served;

C) the extent to which the applicant, as part of its nondiscriminatory employment practices, encourages applications for employment from persons who are members of groups that have been traditionally underrepresented, such as:

C) the types of services provided;

D) the sources of funding;

E) the percentage of resources committed to each type of service provided;

i) members of racial or ethnic minority groups;

groups;

ii) women;

F) how services provided contributed to the maintenance or the increased independence of individuals with severe disabilities;

iii) persons with severe disabilities; and

iv) the elderly.

G) the extent to which persons with severe disabilities participate in management and decision-making in the center;

DEPARTMENT OF REHABILITATION SERVICES

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED RULES

NOTICE OF PROPOSED RULES

H) the extent of capacity building activities including collaboration with other agencies and organizations;

I) the extent of catalytic activities to promote community awareness, involvement, and assistance;

J) the extent of outreach efforts and the impact of such efforts; and

K) a comparison, when appropriate, of prior year(s) activities with most recent year activities.

f) Adequacy of resources

The proposal must contain information which shows the equipment and supplies that the applicant plans to use are adequate.

g) Physical and Programmatic Accessibility

The proposed application must provide written assurances that the following Non-Discrimination Compliance Requirements will be adhered to: Section 504 of the Rehabilitation Act as amended, (29 U.S.C. 794), Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving or Benefiting from Federal Financial Assistance, (34 CFR 104), the Illinois Human Rights Act, (Ill. Rev. Stat. 1987, ch. 68, pars. 1-101 et seq.), the Illinois Accessibility Code (71 Ill. Adm. Code 400). These statutes and rules require subrecipients to be accessible in terms of employment practices, programs and physical structure.

SUBPART C: COMPLIANCE STANDARDS AND CRITERIA

Section 885.200 Annual Compliance Review

a) DORS SHALL CONDUCT AN ANNUAL ON-SITE COMPLIANCE REVIEW OF EACH CIL FUNDED UNDER THIS PART. BASED UPON SUCH REVIEW, DORS SHALL DETERMINE WHETHER TO RENEW, MODIFY OR TERMINATE EACH CIL'S GRANT.

b) The compliance review shall be based upon the CIL's performance as measured by the Compliance Review Rating Sheet (IL 488-1998) which is based on the National

Standards and Criteria for Independent Living Centers as accepted by the National Council on Disability. Each CIL shall receive one of three ratings: Full Compliance, Partial Compliance, or Noncompliance.

c) If funding is available, DORS will utilize a team of three Peer Reviewers to perform the annual compliance review. The Peer Review team shall be established by DORS and the Illinois Network of Centers for Independent Living (INCIL) and shall include:

1) one Director of a CIL:

A) who has 3 years of management experience in an Illinois CIL; and

B) who is chosen by the CIL being reviewed from a list of six (6) Directors submitted by the Manager of the DORS Independent Living Program.

2) one staff member of the DORS Independent Living Program:

A) who is not the Project Officer for the CIL being reviewed; and

B) who has experience in evaluating CILs using the Compliance Review Rating Sheet (IL 488-1998).

3) one consultant serving the independent living field:

A) who has 5 or more years of work experience in consumer-controlled CILs;

B) preference will be given to people with disabilities;

C) who has been approved by INCIL;

D) who has no affiliation with any Illinois CIL; and

E) who is acceptable to the CIL being reviewed; however, each CIL will be permitted only one refusal.

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED RULES

d) When Peer Reviewers are not used because of a lack of funding, staff of the DORS Independent Living Program shall conduct the review.

e) A compliance review shall consist of one of the following:

1) Primary Compliance Review - all of the twelve (12) standards on the Compliance Review Rating Sheet (IL 488-1998) will be applied to the CIL.

2) Secondary Compliance Review - standards (not to exceed six) selected by the Peer Review Team will be applied to the CIL.

3) Tertiary Compliance Review - standards (not to exceed three) selected by the Peer Review Team will be applied to the CIL.

f) All existing CILs will receive a Primary Compliance Review upon adoption of this Part and new CILs within 21 months of receipt of a grant. A lottery will establish the order in which CILs are reviewed for the first and subsequent years' reviews. CILs will receive a Secondary Compliance Review in accordance with subsection (1)(6) of this Section and will receive a Tertiary Compliance Review in accordance with subsection (k)(1) of this Section.

g) The DORS Division of Independent Living reserves the right to schedule any one of the three possible reviews at any time while the CIL is receiving funding through DORS. Every effort will be made to ensure that dates and times set for such reviews are acceptable to the CIL being reviewed.

h) Primary Compliance Review rating requirements.

1) A score of 50 or more will result in a Full Compliance rating.

2) A score of 40 to 49 will result in a Partial Compliance rating.

3) A score of 39 or less will result in a Noncompliance rating.

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED RULES

4) CILs receiving less than 30 points for a Primary Compliance Review shall have their contract(s) terminated, with thirty (30) days notice.

5) The CIL will have the right to appeal its rating per Section 885.210.

i) Secondary Compliance Review rating requirements.

1) A score of 25 or more will result in a Full Compliance rating.

2) A score of 20 to 24 will result in a Partial Compliance rating.

3) A score of 19 or less will result in a Noncompliance rating.

4) CILs receiving less than 15 points shall have their contract(s) terminated with thirty (30) days notice.

5) The CIL will have the right to appeal their rating per Section 885.210.

j) Tertiary Compliance Review rating requirements.

1) A score of 10 or more will result in a Full Compliance rating.

2) A score of 5 to 9 will result in a Partial Compliance rating.

3) CILs receiving less than 5 points shall have their contract(s) terminated with thirty (30) days notice.

4) The CIL will have the right to appeal their rating per Section 885.210.

k) CILs receiving a Full Compliance rating for a Primary, Secondary or Tertiary Compliance Review shall be:

1) deemed in good standing for a period not to exceed three (3) years, during which time they will be exempt from a Primary and Secondary Compliance Review for a period not to exceed 3 years;

DEPARTMENT OF REHABILITATION SERVICES

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED RULES

NOTICE OF PROPOSED RULES

- 2) eligible to receive renewed funding at the same level as the previous year (provided funds are available); and
 - 3) eligible to receive additional funds as may be available to DORS and as prescribed by a funding formula.
- 1) CILs receiving a Partial Compliance rating for a Primary, Secondary or Tertiary Compliance Review shall:
 - 1) be required to serve a 6 month probationary period;
 - 2) receive a quarterly visit from the DORS Division of Independent Living Project Officer during the probation period, to assist the CIL in correcting deficiencies which led to the rating;
 - 3) receive a Full Compliance rating if all deficiencies are corrected by the end of the probation period, at which time the provisions of subsection (k) of this Section shall apply;
 - 4) receive a Noncompliance rating if cited deficiencies are not corrected by the end of the probation period;
 - 5) be eligible to receive renewed funding at the same level as the previous year (provided funds are available);
 - 6) not be eligible to receive any additional funds from DORS until such time as the CIL receives a Full Compliance rating; and will receive, at a minimum, a Secondary Compliance Review during the next 3 years following the period in which the Partial Compliance rating was in effect.
 - m) The Project Officer will determine when all deficiencies have been corrected.
 - n) CILs receiving a Noncompliance rating for a Primary, Secondary, or Tertiary Compliance Review shall:
 - 1) be required to serve a minimum 12 month probation;

- 2) receive quarterly visits from the DORS Division of Independent Living Project Officer during the probationary period, to assist the CIL in correcting deficiencies which led to the rating;
 - 3) receive a Partial Compliance rating if all deficiencies are corrected by the end of the probationary period, at which time the provisions in subsection (l) of this Section shall apply;
 - 4) be eligible to receive renewed funding at the same level as the previous year (provided funds are available);
 - 5) not qualify for formula funding from DORS until such time as the CIL receives a Full Compliance rating; and
 - 6) receive a Primary Compliance Review during the first year, and a Secondary Compliance Review in the second and third year, following the period in which the Noncompliance rating was in effect.
- o) The Project Officer will determine when all deficiencies have been corrected.
 - p) If at the end of the 12 month probation the CIL does not receive at a minimum a Partial Compliance rating, the contract will be terminated with thirty (30) days notice.

Section 885.210 Appeal of Compliance Review Ratings

- a) The Manager's Review
 - 1) A CIL wishing to appeal the compliance review rating must, within 30 business days of receiving the rating, write DORS Division of Independent Living requesting an appeal and specifying the findings with which the CIL disagrees. A copy of the letter shall be sent by the CIL to the Deputy Director, DORS Bureau of Rehabilitation Services.
 - 2) The Manager will schedule a meeting for between 20 and 30 business days of the date of receipt of the appeal. Within 10 business days of DORS receiving the request, the CIL will be informed in writing by the Manager of the date, time and location of the meeting.

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED RULES

- 3) The Manager must be notified by the CIL of the appointment of a representative by filing, no later than 3 business days in advance of the meeting, a letter stating the representative's name, address and telephone number. That representative may be any individual chosen by the CIL. The CIL may have other persons attend the meeting but only one person can be designated to represent the CIL.
- 4) The CIL will be given the opportunity to provide evidence and information at the meeting to support its belief that the rating is in error. Evidence which is provided orally will be recorded on tape for accuracy.
- 5) Any evidence provided by the CIL must be applicable to the time period of the review. No information or evidence will be permitted regarding corrective actions taken by the CIL since the completion of the review.
- 6) Within 15 business days after adjournment of the meeting, the Manager will send the written decision, by registered mail, to the CIL. The decision shall contain a statement of the basis upon which it was made and information regarding the next level of appeal.
- 7) When a rating is being appealed during the contract initiation process period, the CIL will receive funding at the same level as the previous year. If the CIL receives a Full Compliance as the result of the appeal decision and is eligible to receive additional funds beyond the previous year's funding level, such funds will be amended into the contract(s) effective 30 business days from the date the rating was changed. Such funds shall not be retroactive to the contract(s) start date but available only for the period remaining in the contract(s). If the CIL loses the appeal, no additional funds will be added to the current contract.

b) Director's Review

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED RULES

- 1) If the CIL is dissatisfied with the Manager's decision, the CIL may, within 15 days of receiving the decision, file a written appeal to the Director of DORS, with a copy to the Deputy Director of the Bureau of Rehabilitation Services (BRS) and the Manager.
- 2) The Director of DORS will review the original compliance review report, all evidence and information submitted by the CIL during the appeal review by the Manager, all oral and written information submitted by the CIL during the Manager's review and the decision, principal issues, facts and reasoning of the Manager.
- 3) Within 90 days of receipt of the CIL's appeal letter, the Director shall:
 - A) uphold the decision of the Peer Review Team or the Manager, (if applicable), at which time the provisions of Section 885.200 will become effective;
 - B) upgrade the rating, at which time the provisions of Section 885.200 will become effective; or
 - C) request that the compliance review be performed again by the same review team.

1) Heading of the Part: Vending Facility Program for the Blind

2) Code Citation: 89 Ill. Adm. Code 650

<u>Section Numbers:</u>	<u>Proposed Action:</u>
650.10	new section
650.20	new section
650.30	new section
650.40	new section
650.50	new section
650.60	new section
650.70	new section
650.80	new section
650.90	new section
650.100	new section
650.110	new section
650.120	new section
650.130	new section
650.140	new section
650.150	new section
650.160	new section

4) Statutory Authority: Implementing the Randolph-Sheppard Vending Stand Act (20 U.S.C. 107) and authorized by "AN ACT in relation to the operation of vending facilities on public and private property by blind persons, and to repeal certain acts herein named," (Ill. Rev. Stat. 1987, ch. 23, pars. 3331 et seq.)

5) A Complete Description of the Subjects and Issues Involved: This Part is being proposed to replace the repealed Part 650 which governs the vending stand program for the blind.

6) Will this proposed rule replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date?
Yes ☒ No ☐

8) Does this proposed rule contain incorporations by reference? No

9) Are there any other amendments pending on this Part? No

Section Numbers Proposed Action Illinois Register Citation

10) Statement of Statewide Policy Objectives (if applicable):
Not Applicable

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning these rules within 45 days after this issue of the Illinois Register. All requests and comments should be submitted in writing to:

Ms. Janice Lobb
Regulations and Training Division
Department of Rehabilitation Services
P.O. Box 19429
Springfield, Illinois 62794-9429
Telephone number: (217) 785-3896
T.D.D.: (217) 782-5734

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

12) Initial Regulatory Flexibility Analysis: The Department has determined that this rulemaking will not affect small businesses.

The full text of the Proposed Rule(s) begins on the next page:

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED RULES

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF REHABILITATION SERVICES
SUBCHAPTER C: VOCATIONALLY RELATED PROGRAMS

PART 650

VENDING FACILITY PROGRAM FOR THE BLIND

Section	Definitions
650.10	Rights and Responsibilities of DORS as State Licensing Agency
650.20	Rights and Responsibilities of Vendors in the Program
650.30	Illinois Committee of Blind Vendors
650.40	Program Eligibility Requirements
650.50	Training
650.60	Certification of Vendors
650.70	Licensing of Vendors
650.80	Awarding of Facilities
650.90	Business Practices
650.100	Disciplinary Procedures for Vendors
650.110	Disciplinary Procedures for VR Clients in Initial Training
650.120	Grievance Procedures for Vendors
650.130	Set-Aside Funds
650.140	Leaves of Absence
650.150	Vending Facilities in Rest Area

AUTHORITY: Implementing The Randolph-Sheppard Vending Stand Act (20 U.S.C. 107) and authorized by "AN ACT in relation to the operation of vending facilities on public and private property by blind persons, and to repeal certain acts herein named," (Ill. Rev. Stat. 1987, ch. 23, pars. 3331 et seq.)

SOURCE: Amended August 31, 1973; Codified at 6 Ill. Reg. 13790; amended at 8 Ill. Reg. 5285, effective April 16, 1984; amended at 9 Ill. Reg. 12347, effective August 5, 1985; amended at 10 Ill. Reg. 3058, effective February 1, 1986; amended at 10 Ill. Reg. 9814, effective May 21, 1986; amended at 13 Ill. Reg. 7465, effective May 1, 1989; emergency amendment at 13 Ill. Reg. 15849, effective September 26, 1989 for a maximum of 150 days; amended at 13 Ill. Reg. 18937, effective November 16, 1989; part repealed, new Part adopted at ___ Ill. Reg. effective _____.

Section 650.10 Definitions

"Active participation" means involvement of the Illinois Committee of Blind Vendors (ICBV), and negotiation between the Department of Rehabilitation Services (DORS) and ICBV in

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED RULES

administrative matters of a major type. "Active participation" does not mean concurrence on all issues, and where concurrence is not reached, DORS is given the ultimate authority to determine policies per 34 CFR 395.

"Administrator" means the employee of DORS responsible for the administration of the Program per the Randolph-Sheppard Act (20 U.S.C. 107) and its regulations (34 CFR 395 (1986)).

"Business counselor" means the person designated by DORS to consult with and advise assigned vendors, and provide regular written reports on the individual facilities and the vendor's performance to the vendor and DORS.

"Days" means working days, i.e., Monday through Friday excluding state established holidays or days on which government offices are closed by order of the Governor, unless otherwise stated.

"DORS" means the Illinois Department of Rehabilitation Services.

"Facility" means the location(s) assigned to one or more vendors by DORS from which the vendors derive income.

"License" means a written document issued by DORS to an individual meeting the standards in Section 650.80 authorizing the individual to operate a facility. Licenses may be "active" or "inactive". To maintain an "active" license, a vendor must be currently assigned a facility, have been assigned a facility at some time in the previous calendar year, or be on an approved leave. A license will be deemed "inactive" if the vendor is suspended or is not currently assigned a facility and has not been assigned a facility in the previous calendar year.

"Net income" means the profits of the assigned facility after deducting the cost of replacement persons and set-aside.

"Net proceeds" means the amount remaining from the sale of articles or services of facilities and any vending machine or other income accruing to vendors after deducting the cost of such sale and other expenses (excluding set-aside funds).

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED RULES

"Nominee agency" means a nonprofit agency or organization designated by DORS, through a written agreement, to act as DORS' agent in the provision of specified services under this Part.

"Period" means the four week business cycle used by the Program for reporting purposes; therefore there are 13 periods per year.

"Program" means all the activities of the State Licensing Agency under 34 CFR 395 related to vending facilities on federal and other property.

"Program assets" are the financial and physical resources of a facility, including inventory of product, supplies, equipment and funds generated from the sale of goods or services.

"Receipt", for material sent by DORS to a vendor(s), is presumed four days from the date of postmark or on the day of delivery for hand-delivered items, or, if a verbal form of communication, on the date of receipt.

"Seniority" is determined from the date a vendor receives a license to operate a facility and will continue as long as the vendor retains an active license. Beginning from the date of adoption of this Part, seniority will not accrue for the period when an individual's license is inactive and will be lost if an individual loses his/her license.

"Set-aside funds" means funds which accrue to DORS for uses described in Section 650.140, from an assessment against the net proceeds of each facility and any income from vending machines on Federal property which accrues to DORS.

"State Licensing Agency" means the state agency designated by the Secretary of the United States Department of Education to issue licenses to blind persons for the operation of vending facilities on federal, state, local governmental and other property. In Illinois this agency is DORS.

"Supervisor" means the employee of DORS responsible for the supervision of personnel and training, or the person designated to carry out these responsibilities in the absence of the supervisor.

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED RULES

"Trainee" means a client of DORS' Vocational Rehabilitation Program who meets the criteria for participation in the Program, per Section 650.50, who is attending the Program's training classes or is on an assigned on-the-job training position while in training.

"Vendor" means an individual meeting the criteria for participation in the Program, per Section 650.50, who has been certified and licensed by DORS and is eligible to manage, or is managing, a facility or is on an approved personal or medical leave.

Section 650.20 Rights and Responsibilities of DORS as State Licensing Agency

DORS, as state licensing agency, shall:

- a) develop policies with the active participation of ICBV, implement policies and procedures, and provide staff, funds, and any Program servicing agreement necessary to carry out its responsibilities under the Randolph-Sheppard Act, as amended (20 U.S.C. 107 et seq.);
- b) coordinate the Program with DORS' vocational rehabilitation program;
- c) seek out and make arrangements for the use of suitable sites for the establishment of facilities;
- d) provide for expenditures from available state and federal funds, and other allowable resources including set-aside funds, for the acquisition, installation and replacement of equipment and accessories, and the first provision of initial stocks of merchandise and supplies;
- e) determine whether right, title to, and interest in a facility, including equipment and initial stock, may be vested in the vendor per 34 CFR 395.6;
- f) ensure the conduct of the Program and the operation of each facility are in accordance with the Randolph-Sheppard Act, as amended and its regulations (34 CFR 395 (1988));
- g) assure conformity with each facility's written permit or agreement;

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED RULES

- h) have responsibility for the selection of trainees; award of licenses; issuance of certifications; assignment of vendors to facilities; discipline of vendors; establishment of a rate and the collection of set-aside; and the utilization and disposition of Program assets.
- i) determine that a facility should be operated by more than one vendor. This determination will be based upon conditions of management and operation, volume of merchandise sold, required extended hours or days to provide service, or stipulations of permits or contracts with the building management. In such a multiple vendor arrangement, the division of net income shall be determined by DORS based on pertinent factors, including skills, qualifications and experience; degree of responsibility; and number of hours and days worked,
- j) operate unassigned, abandoned, or vacant (due to leaves of absence) facilities;
- k) provide training to vendors on any new rules and procedures of the program;
- l) hire business counselors trained in food practices and sanitation;
- m) develop contracts or permits with building managers for the operation of vending facilities. When appropriate, involve the assigned vendor(s) in renegotiations of contracts or permits.

Section 650.30 Rights and Responsibilities of Vendors in the Program

a) Vendors have the following rights:

- 1) to grieve disciplinary actions per Section 650.130;
- 2) to grieve dissatisfaction with any action arising from the operation or administration of the Program, per 89 Ill. Adm. Code 510;
- 3) to participate in the election of representatives to the Illinois Committee of Blind Vendors (ICBV);

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED RULES

- 4) to receive the net income from the management and operation of the facility to which vendors are assigned;
- 5) to bid on facilities for which a vendor is certified; and
- 6) to review his/her personnel file and provide comments pursuant to 89 Ill. Adm. Code 505.10.
- b) vendors, or those on probation for licensing, are engaged in a "trade or business" as defined by the Self-Employment Contribution Act (26 U.S.C. 1401-1403, 1983) and their net income from the management and operation of a facility constitutes self-employment income as defined in Internal Revenue Ruling 54-255.
- c) The vendor is responsible for:
 - 1) maintaining the facility per the conditions of the facility's contract or permit, and the federal regulations (34 CFR 395 (1988));
 - 2) abiding by good business practices, including those specified in Section 650.100, as well as abiding by the provisions of this Part;
 - 3) making all appropriate payments for local, state and federal taxes related to the sales, operations of the facility, and its employees;
 - 4) devoting full time, a minimum of 37.5 hours per week, to the affairs of the assigned facility; carrying out assigned activities, responsibilities and relationships in accordance with this Part;
 - 5) considering advice presented by the business counselor or other personnel employed by DORS or the nominee agency;
 - 6) notifying DORS of his/her current address and telephone number within five days of a change; and
 - 7) abiding by the signed "Vendor Agreement" and the provisions for purchase of initial stock and facility equipment.

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED RULES

Section 650.40 Illinois Committee of Blind Vendors

a) The ICBV shall consist of eleven (11) vendors, all of whom must have active licenses. ICBV members shall be elected biannually for a term of two years. Such election shall be conducted by DORS, in the manner prescribed by 34 CFR 395.14, to assure that vendors operating a facility pursuant to 34 CFR 395.1 have an equal opportunity to participate in the election. No other persons shall be entitled to vote in such election.

b) ICBV members, as the elected representatives of the vendors, shall actively participate with DORS in major administrative decisions and policy and Program development decisions affecting the overall administration of the Program. Contacts between ICBV and DORS shall generally be through the Administrator or designated program staff.

Section 650.50 Program Eligibility Requirements

To be eligible for acceptance into, and to remain in the Program an individual must be:

a) legally blind, no better than 20/200 central visual acuity in the better eye with correction or a limitation to the field of vision in the better eye to such a degree that its widest angle subtends an angle no greater than 20 degrees. A vendor must submit to a visual acuity test, at DORS' expense, when the Administrator has information that a vendor's vision has improved. If the vendor is no longer legally blind, the provisions in Section 650.70(f)(1) will apply;

b) a citizen of the United States; and

c) at least 21 years old.

Section 650.60 Training

a) To meet the needs of trainees and licensed vendors, DORS will provide training or assist in developing training in four areas:

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED RULES

- 1) Initial Training: extended training required for any VR client seeking to enter the Program; provides a general orientation to food services and the skills necessary to operate facilities.
- 2) Retraining: additional training in the management of facilities to enable vendors to comply with the requirements for managing a facility as set forth in this Part.
- 3) Skill Enhancement Training: as required by 34 CFR 395.11 (1988), upward mobility training to allow vendors to become certified to operate different types of vending facilities. Vendors are required to obtain a certificate of completion or a passing grade for each individual course or seminar taken and complete the requirements of Section 650.70 to become certified.

- 4) In-service Training: training to improve and/or enhance a vendor's managerial and operational skills; such training is optional to the vendor, although attendance may meet the conditions for maintaining certification per Section 650.70. Vendors are required to obtain a certificate of completion or a passing grade if the class is to be considered for meeting certification standards and consideration for reimbursement of costs.

b) Initial Training

- 1) Initial training is required of any VR clients seeking to enter the Program prior to certification and licensing.
- 2) For entrance into the Initial Training Program an individual must:

A) meet Program eligibility requirements per Section 650.50;

B) be a client of DORS' Vocational Rehabilitation (VR) Program (89 Ill. Adm. Code: Chapter IV, Subchapter b);

C) be referred by a DORS VR counselor;

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED RULES

vending machine) including on-the-job training. If a trainee elects to take less than four modules he/she must indicate so in writing.

- 5) If a trainee is disciplined pursuant to Section 650.120(c), he/she shall be removed from training, referred back to his/her VR counselor, and notified of the right to appeal per 89 Ill. Adm. Code 510.

c) Completion of Initial Training

- 1) The core module test must be passed by achieving a score of at least 75% on the written examination. Failure to receive a passing score on the core module will result in an individual being removed from initial training and referred back to his/her Vocational Rehabilitation counselor.

- 2) If an individual passes the core module and completes one or more of the specific modules, he/she can then take the tests for any specific training modules for which he/she has completed initial training, which must be passed by a score of at least 75% on the written examination plus completion of all on-the-job training objectives. Failure to receive a passing score on any specific training module will result in non-certification in that area.

d) Retraining of Vendors

- 1) Retraining is mandatory:

A) as a remedy for a disciplinary action resulting from a violation of the business practices set forth in Section 650.100; and

B) if a facility changes or expands to include food service areas in which a vendor is not certified.

- 2) Retraining is optional for a vendor upon a vendor's request and when equipment is placed in the facility with which the vendor has had no training or experience.

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED RULES

D) satisfactorily complete an evaluation by DORS staff or other rehabilitation professionals, indicating that the individual has:

- i) adequate orientation and mobility skills to go to and from work and move about a facility,
- ii) skills sufficient to communicate with the public and facility employees and to maintain the facility's records,
- iii) mathematical skills adequate to complete Program financial documents, and
- iv) daily living skills sufficient to allow the individual to meet personal care and housekeeping needs.

E) be bonded for a minimum of \$10,000.00.

3) Evaluation Committee

An applicant's credentials (e.g., vocational evaluation, education, work experience, etc.) shall be reviewed by an Evaluation Committee of DORS staff with experience in rehabilitation or the Program, named by the Administrator. The Evaluation Committee will determine that the individual meets the criteria in subsection (b)(2) of this Section. If these criteria are not met, the individual will be referred to his/her VR counselor for remedial or other VR services.

4) Initial training is divided into two areas:

A) a core module, which must be taken first, providing general orientation to all facility operations and skills necessary for the operation of any type of facility (e.g., making change, bookkeeping, completing reports), and

B) one or more of the specific training modules, which must be taken after completion of the core module, to learn skills needed for the operation of specific types of facilities (i.e., dry stand, snack bar, cafeteria, and

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED RULES

- 3) If a vendor requests retraining, DORS will determine whether it will be provided based on a review of his/her business counselor's observation reports, the vendor's annual evaluation and available training resources.

4) Facility Status During Retraining

- A) A vendor who is mandated to take retraining, pursuant to subsection (d)(1) of this Section, must within six months satisfactorily complete the retraining by meeting the same standards as those of initial training (Section 650.60(c)) to retain operation of his/her facility. A vendor who does not satisfactorily meet these standards will only be eligible to bid on facilities for which he/she is certified.

- B) If retraining is provided to a vendor per subsection (d)(2) and (3) of this Section, the vendor shall retain his/her right to the assigned facility both during and upon successful completion of retraining.

- C) During retraining, the vendor's replacement person costs will be paid by DORS.

Section 650.70 Certification of Vendors

- a) An individual may be certified in one or more of the following areas: dry stand, snack bar, cafeteria, and vending machines.

- b) DORS will certify individuals who:

- 1) successfully complete the core module and one or more specific training modules as set out in Section 650.60, and
- 2) demonstrate potential for employment as a vendor as determined by a Screening Committee interview with the individual. This determination will be based upon the individual's personality, performance during on-the-job training, and motivation. The Screening Committee will be composed of the Supervisor, or designee, and the trainers employed by DORS.

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED RULES

- c) Certification in any area will only be valid for 24 months, subject to the provisions in subsection (e) of this Section.

- d) Recertification for each additional 24 month period will only be granted if the vendor or graduate of training has:

- 1) had at least six months of work experience in the past 24 months in the specific area; or
- 2) satisfactorily completed two training programs offered or authorized by DORS in the specific area, during the past 24 months. Both programs must be pertinent to the area of certification, as determined by DORS, and at least one of them must be a course offered or arranged by DORS or a college or university.

- e) Certification for all vendors and graduates of training in the areas in which they are currently certified, will not expire for 24 months from the date of adoption of this Part. By that time, each vendor must have maintained his/her license and met the standards of subsection (d) of this Section in order to become re-certified.

Section 650.80 Licensing of Vendors

- a) There shall be three categories of licenses: active, inactive and interim.

- b) Licenses permitting individuals to manage facilities will only be issued to persons who:

- 1) are certified by DORS as qualified to manage and operate a facility, and
- 2) satisfactorily complete a 6 month probationary period performing management and operation functions in a Program facility as an assigned vendor or replacement vendor. The supervisor will use the criteria in Section 650.90(d) to determine satisfactory completion of the probationary period.

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED RULES

- c) To maintain an active license, a vendor must be currently operating a facility, or have operated a facility or been on medical leave from a facility at some time during the previous calendar year.
- d) All active licenses will be reviewed at the beginning of each calendar year to determine if they should be inactivated or renewed per Section 650.110.
- e) A license will be deemed to be inactive if the vendor is not currently assigned a facility, is suspended, or has not been assigned a facility in the previous calendar year.
- f) To activate a license, an individual must meet the standards for completing training described in Section 650.60(c). If results of these tests reveal areas of deficiency, the vendor must successfully complete a retraining program to address those deficiencies.
- g) Any vendor with an active license on the date of adoption of this Part will be granted an interim license for one year. At the end of that time, the vendor must meet the conditions of subsection (c) or (f) of this Section and be certified in one or more areas in order to have an active license. If a vendor does not meet these conditions, the license will be placed in inactive status, unless it has been terminated.

Section 650.90 Awarding of Facilities

- a) Any vendor with an interim or an active license or graduate of training holding appropriate certification(s) may bid on an available facility for which they are certified, pursuant to Section 650.70.
- b) DORS shall send notification of all facility openings to all vendors with active licenses and also to appropriately certified graduates of training. The bid announcement will include:
 - 1) location of the available facility;
 - 2) type of facility (i.e., dry stand, snack bar, vending machine facility, cafeteria, or combination);

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED RULES

- 3) types of certification(s) necessary based on the make-up of the facility (e.g. a dry stand with vending machines);
 - 4) requirements of the vacant position based on the type of facility and the conditions contained in the permit or agreement with the management of the building in which the facility is located;
 - 5) anticipated income from the facility based upon profit and loss statements for existing facilities and projections based on the profit and loss statements for the previous three to six periods for new facilities, if available;
 - 6) the date by which the bid shall be received, which date shall be within 15 days following the date of notification. Receipt shall mean the bid is received in the office of the program Administrator by 12:00 noon of the date designated in the bid;
 - 7) a statement indicating that the vendor may submit a self-analysis of his/her performance;
 - 8) the estimated value of inventory of merchandise, and
 - 9) the Program's Bid Application (IL488-2048).
- c) Every licensed and appropriately certified vendor and appropriately certified graduate of training who has bid for an open facility must be interviewed in-person and evaluated by the Selection Committee. The Selection Committee shall consist of: the Supervisor or Supervisor of Support Services, who shall Chair the Committee; a DORS vocational rehabilitation counselor for the blind; two vendors agreed upon by the ICBV Chair and by the Chair of the Selection Committee (in multi-vendor facilities, one of these shall be the lead vendor unless that is the position being bid).
- 1) Within fifteen days after bids have been received by DORS, the Selection Committee will meet and complete its part of selection process.

DEPARTMENT OF REHABILITATION SERVICES

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED RULES

NOTICE OF PROPOSED RULES

- 2) The Chair shall provide an agenda to the Selection Committee, set the location for the interview, and assure all relevant information and forms are available, which include:

- A) a complete signed "Bid Application Form" for each appropriately certified applicant bidding on the facility;
- B) when applicable, the most recent Annual Evaluation (IL488-2047) of each applicant prepared by the Business Counselor. If available, a written analysis of the criteria in subsection (d) of this Section, based on the applicant's previous 13 periods, shall be included with the annual evaluation.
- C) Profit and Loss statements from the preceding 13 periods for each vendor bidding, or whatever portion is available;
- D) if the applicant submits one, a written self-analysis of performance during the prior 13 periods;
- E) the bid announcement for the facility;
- F) Rating Forms (IL488-2049) for the Selection Committee members; and
- G) a copy of proposed Selection Committee questions.

- 3) The Selection Committee will review this Section, the procedures for Selection Committee, interview and score each applicant and submit all completed Committee Member Rating Forms to the Chair of the Selection Committee.

- 4) The discussions held during a Selection Committee meeting shall be confidential, per 89 Ill. Adm. Code 505, and filed in a separate file. However, the Selection Committee's numerical ratings, without names or other identifying information will be made available to the applicants upon request, if there are more than two applicants. An individual's rating shall be made known to the individual upon request.

- d) The Selection Committee shall assess the following criteria as applicable to the facility. The criteria are not listed in priority order.

- 1) Customer Relations - the ability to relate to and communicate with customers in a positive manner;
- 2) Business Practices - use of good business practices set forth in Section 650.100;
- 3) Reliability - the extent to which the applicant carries out his/her facility responsibilities, in compliance with this Part;
- 4) Discipline - oral and written reprimands within the previous 13 periods and suspensions imposed within the previous three years from the date the bid is due. Information from pending disciplinary grievances shall also be made available;
- 5) Mechanical Aptitude - the ability to operate and maintain the equipment at the current facility as well as equipment at the facility to be awarded;
- 6) Handling Equipment Problems - the ability to determine and correct equipment failures in a timely manner;
- 7) Work Experience - the previous work experience in the Program, including the kinds of facilities at which the applicant has worked, and previous work experience outside the Program;
- 8) Employee Management Skills - the ability to supervise employees and other leadership abilities;
- 9) Organizational Skills - the ability to plan, implement, and complete facility functions;
- 10) Physical Stamina - the ability to meet the physical demands of the facility;
- 11) Orientation and Mobility Skills - the ability to move about and function safely in and around the facility;
- 12) Employee Replacement - the ability to locate and utilize temporary employees when necessary;

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED RULES

- 13) Operational skills - whether or not operational standards (e.g. gross profit percentage, labor cost, menu preparation, customer services) were met in previous facilities; and
- 14) Financial Management - sound fiscal management of facility assets (e.g. handling cash receipts correctly, preparing necessary financial reports, maintaining security of program assets).
- e) The facility shall be awarded to the applicant who is most qualified for that specific facility with the highest rating above 60% based upon the selection process as described in subsection (c)(2) of this Section.
- f) If more than one applicant has received the same score from the Selection Committee, seniority shall be used to award the bid.
- g) If the scores by the Selection Committee and seniority are equal, the licensed applicant who is not currently operating a facility will receive priority.
- h) If there is not a successful bidder (i.e., no bidder receives at least 60%), the facility will be rebid.
- i) Any applicant who is dissatisfied by the bid award may appeal the decision per 89 Ill. Adm. Code 510.
- j) Within two days of the decision to award a facility, DORS will send the successful applicant a written offer of the facility and a vendor agreement for that facility. Within five days of receipt of the offer, the vendor must mail the signed vendor agreement (IL488-2046) and a letter of acceptance to the Supervisor. Within ten days of receipt of the offer, the vendor must notify the Supervisor of the date of resignation from the current facility; this date shall be no later than 40 days from the date of the written offer. Failure of the vendor to provide a date of resignation shall result in the effective day of resignation being the 40th day.
- k) If the applicant does not accept the offer within five days of the written offer, the facility will be offered to the next highest ranking applicant with a score of

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED RULES

60% or higher. Unsuccessful bidders will be notified in writing within two days of the acceptance of the facility by the successful bidder.

Section 650.100 Business Practices

Vendors and graduates of training serving their probation shall be required to follow business practices set forth in this Section. Failure to comply with these business practices shall result in disciplinary action as contained within Section 650.110 and as shown for each practice.

a) The vendor shall maintain complete and current facility manuals at the facility. These manuals shall include the Location Manual which shall contain, at a minimum: inventory, price lists, job descriptions, a security program developed by DORS and the vendor, the facility permit or contract, facility policies, and the vendor agreement; the Facility Reference Manual, which includes all written rules and regulations, procedures promulgated by DORS and the nominee agency, and any other documents listed in this part or required to be included by DORS. Failure to keep current and complete manuals will result in an oral reprimand.

b) All Program forms prescribed by DORS for recordkeeping purposes shall be accurately completed and submitted within established timelines. Each individual violation will result in an oral reprimand.

c) The vendor shall adhere to all applicable state, county, and local health codes as contained in the Sanitary Inspection Act (Ill. Rev. Stat. 1987, ch. 56 1/2, par. 67 et seq.) and "AN ACT to provide for the licensing and regulation of food service establishments in counties of over 500,000" (Ill. Rev. Stat. 1987, ch. 34, par. 439) and Department of Public Health Regulations 77 Ill. Adm. Code 743 (Sanitary Vending of Food and Beverages), 750 (Food Service Sanitation), and 760 (Sanitation of Retail Food Stores) regarding personal hygiene. The vendor is also responsible for informing the facility employees of such requirements and assuring compliance. Clean, professional attire shall be worn in all facilities. Violation will result in a written reprimand.

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED RULES

- d) Smoking, drinking, and eating by the vendor and employees will be allowed only during break times established by the vendor in a written policy to be included in the Location Manual, and only in areas designated by the vendor in conformance with the facility contract or permit and Department of Public Health Regulations, 77 Ill. Adm. Code 743.90 and 750.530. Violation will result in an oral reprimand.
- e) The sanitation of the facility must, at a minimum, meet DORS facility program standards on the Sanitation and Safety Checklist (IL 488-2050). To ensure compliance with these standards a sanitation schedule shall be established by the vendor. This schedule shall be kept in the Location Manual and complied with by the vendor and all employees. Violation will result in an oral reprimand.
- f) The vendor shall inspect all merchandise checked into the facility for: quality, quantity, damage, back order, price variances, and assure storage per the Sanitation and Safety Checklist (IL488-2050). The vendor also will coordinate all corrections in orders with purveyors to ensure proper credit and to ensure maintenance of facility profit margins. Evidence of violation will result in an oral reprimand.
- g) The vendor shall adhere to the facility contract or permit and any addenda (e.g., hours of operation, price constraints, menu selection). Violation will result in a written reprimand.
- h) The vendor will maintain current and accurate records of product cost, complete product mixes and product price. Prices charged for products will be in accordance with the facility contract or permit. A current list of the inventory and a price list will be placed in the Location Manual. Violation will result in an oral reprimand.
- i) Payment for purchases of goods or services shall be made in a timely manner and carried out in accordance with accepted business practices and with purveyors' requirements. Violation will result in a written reprimand.

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED RULES

- j) Each vendor shall be responsible for all legally mandated and commonly accepted personnel practices (e.g. Department of Labor rules) for employees of the facility. Violation will result in an oral reprimand.
- k) Consumption of alcoholic beverages or use of illegal drugs at the facility by a vendor or employee or working under the influence of alcohol or drugs is not permitted. Violation will result in immediate suspension of three facility business days.
- l) No alcohol or illegal drugs will be allowed at a facility. Violation will result in a written reprimand.
- m) Facility money, product, equipment or Program assets shall not be removed from the facility by the vendor for personal use. Violation will result in termination of license.
- n) In facilities having cash registers, all sales and services must be recorded on the cash register at time of purchase. In all other facilities, all cash removed from each vending machine must be recorded on the facility's Vending Cash Out Sheet. The form shall be kept by the vendor either at the facility or producable upon request the next business day. Violation will result in a written reprimand.
- o) A facility shall not be closed during regularly scheduled business hours except in cases of family or medical emergency or other natural emergencies (e.g., severe weather). Violation will result in a written reprimand.
- p) If the facility is closed because of the absence of the vendor for all or part of two consecutive business days, the vendor will be considered to have abandoned the facility (unless there was an emergency). Violation will result in termination of license.
- q) Each vendor shall conduct himself/herself in a professional manner in contacts with building management and the public, (e.g., avoiding use of profane language, racist or sexist remarks, inappropriate gestures or physical contact.) Violation will result in an oral reprimand.

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED RULES

- r) A vendor is responsible for maintaining the security of the facility, including the service area, storage areas, machines, product and cash. Violation will result in a written reprimand.
- s) The vendor must maintain a professional attitude and demeanor toward customers, building personnel, and the public at all times. Violation will result in an oral reprimand.
- t) A vendor is responsible for the conduct of his/her employees and must ensure they are aware of and adhere to the business practices. The vendor is responsible for correcting actions of an employee and enforcing the business practices where they apply to the employee. Violation will result in an oral reprimand.
- u) A vendor is responsible for all appropriate payments for local, state and federal taxes related to sales and to the employees at the facility to which he/she is assigned. Violation will result in an oral reprimand.
- v) A vendor shall devote full time, a minimum of 37.5 hours per week, to the business of the facility, carrying out assigned activities, responsibilities and relationships in accordance with this Part. Violation will result in an oral reprimand.
- w) A vendor shall seriously consider advice presented by the business counselors or other personnel employed by DORS or the nominee agency. Violation will result in an oral reprimand.
- x) A vendor must maintain all facility financial accounts in such a manner that assures no interruption of service and that all funds, including program assets and the vendor's working capital, are balanced at the end of each fiscal reporting period for that facility. Violation will result in a written reprimand.
- y) A vendor shall operate the facility in a manner that will avoid the repeated violation of a variety of the business practices listed above. Violation will result in a written reprimand, in addition to the consequences of the other business practice violation.

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED RULES

Section 650.110 Disciplinary Procedures for Vendors

a) Disciplinary actions shall include the following:

- 1) oral reprimand,
- 2) written reprimand,
- 3) suspension,
- 4) loss of facility, and
- 5) termination of license.

b) Any time discipline is imposed, the vendor shall be advised of the right to grieve per Section 650.130.

c) Oral Reprimand

- 1) An oral reprimand is a discussion in person or by telephone between the vendor and the lead vendor in a multi-vendor facility, or business counselor, Supervisor, Supervisor of Support Services, or Administrator. An oral reprimand must occur within five days of the Program staff member's knowledge of an incident which occurred within the last 30 days. The oral reprimand shall identify the rule(s) or policy violated, corrective action, and the consequences of repeated violations. An oral reprimand may be used for the first violation of the rules contained within this Part with the exception of Section 650.100(c), (g), (i), (k), (l), (m), (n), (o), (p), (r), (y).

- 2) The discussion shall be identified to the vendor as an oral reprimand, and shall advise the vendor that a rule has been violated and what corrective action is necessary.

- 3) The person giving the oral reprimand shall send a written report to the Supervisor which will include the time, date of violation, nature of the violation, corrective measures required, the date of such oral reprimand, the vendor's comments and his/her signature. A copy shall also be provided to the vendor. The Supervisor shall, within ten days of receipt, review the written report.

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED RULES

- A) If the Supervisor is in agreement with the written reprimand, he/she shall place a copy of this report in a file; however, the vendor's permanent personnel file shall not contain any reference to the reprimand.
- B) If the Supervisor does not agree with the oral reprimand, the report will be returned to the vendor.
- C) The file shall be available for the vendor's review and shall be subject to DORS rules on confidentiality (89 Ill. Adm. Code 505).
- D) An oral reprimand in the file shall be destroyed one year after its date, if no repeat of that violation occurs.
- 4) Action resulting in an oral reprimand which is not corrected may be the basis for a written reprimand.

d) Written Reprimand

- 1) A written reprimand will be issued for a second violation of a rule contained in this part following an oral reprimand for the same business practice violation. Written reprimands are also issued for the violation of a health code or location permit or contract, or violation of business practices set forth in Section 650.100(c),(g),(i),(l),(n),(o),(r),(x),(y).
- 2) Within ten days of the Supervisor's knowledge of the violation, provided the violation has occurred within the past 60 days, the supervisor shall prepare a written reprimand. The written reprimand shall be sent to the vendor's mailing address by certified mail, return receipt requested, or delivered in person by Program staff with a signed receipt to be returned to DORS.
- 3) The Supervisor, or in his/her absence the Supervisor of Support Services, shall prepare a written reprimand which:
 - A) outlines the events leading to the reprimand,

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED RULES

- B) explains the violation of the rules (89 Ill. Adm. Code 650),
- C) reviews any prior oral reprimands for similar offenses,
- D) states all known facts about the present violation, including the names of all known witnesses,
- E) details the disciplinary consequences of continued offenses as set forth in this Section,
- F) indicates the steps the vendor should take to correct the situation;
- G) states the vendor's right to grieve as set forth in Section 650.130.
- 4) A copy of the written reprimand will be placed in the vendor's permanent personnel file. Three years from the date of reprimand, the reprimand will be removed from the vendor's personnel file and sent to the vendor.
- e) Suspension
 - 1) Suspension will be imposed either when a violation is repeated within a year of the date of the written reprimand or when an immediate suspension is warranted per subsection (e)(5) of this Section. The Administrator shall determine if suspension is warranted and, if so, the length of the suspension based on subsection (e)(3) of this Section, and the effective date.
 - 2) When a vendor is suspended, the facility shall be operated by a replacement person. If the suspension is for more than six facility business days, an immediate inventory of all stock, equipment, and documents shall be taken, or directed to be taken, by DORS and recorded. If the suspension is six facility business days or less, the vendor will be assessed the daily average amount of income before set aside for the last three periods or the cost of replacement labor, whichever is greater.

DEPARTMENT OF REHABILITATION SERVICES

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED RULES

NOTICE OF PROPOSED RULES

- 3) The first suspension for any violation may be for up to 20 facility business days. If the violation is repeated within one year of the ending date of the first suspension, the second suspension may be for up to 40 facility business days. If a vendor receives more than two suspensions for any reason during a three year period, the third and subsequent suspensions shall be for 40 facility business days each.
- 4) Notices of Suspension shall be sent to the vendor at his/her last known address by certified mail, return receipt requested or delivered in person by Program staff with a signed receipt to be returned to DORS. The Notice of Suspension shall state the effective date, the basis for the suspension, and the length of the suspension.
- 5) An immediate suspension of three facility business days can be imposed without notice pursuant to subsection (e)(4) of this Section by the Supervisor if the vendor's continued presence could be a direct threat to self, others, property, or the loss of the facility (e.g., fighting with customers, being under the influence of drugs or alcohol, disorderly conduct, using profane language with customers) or if necessary to investigate charges of misconduct. This discipline may be grieved per Section 650.130 and if the decision favors the vendor, the vendor shall be reimbursed the costs of replacement labor.

f) Loss of Facility

- 1) A vendor can lose the facility if one of the following occurs:
- A) the vendor receives three suspensions, which have not been overturned, for any reason in a two year period,
- B) the vendor receives two suspensions which have not been overturned for violation of the business practice in Section 650.100(q) in a two year period,
- C) failure to return from leave per Section 650.150,

- D) the building manager states in writing that the account with the facility will be lost if the vendor remains at the facility, or
- E) the vendor or graduate of training falsifies his/her Bid Application Form (IL488-2048), any material used by or submitted to the Selection Committee.
- 2) If for two consecutive periods the profit of the assigned facility is more than 10% below the projected average, or the average profit percentage is more than 8% below the projected average for four consecutive periods, DORS will observe the facility's operations to determine the cause of the failure to meet projections. If it is determined the vendor is at fault, DORS shall make recommendations to improve the actual profit percentage. If after two more periods the facility is not within three percentage points of the projected goal, the vendor shall lose the facility.
- 3) The loss of a facility by a vendor shall not restrict the vendor from bidding on another facility, but he/she shall not be awarded the same facility.
- g) Termination of License
- 1) A license will terminate, without further notice, when:
- A) a vendor notifies DORS in writing that he/she has withdrawn from the Program;
- B) a vendor experiences an improvement of vision above the definition of legal blindness pursuant to Section 650.50(a);
- C) the vendor has an illness with a medically documented diagnosis that the vendor is incapable of operating a facility;
- D) the vendor fails to notify DORS of a change of address and the vendor has had no contact with DORS for one year;

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED RULES

- E) the vendor abandons a facility with no notice to DORS, per Section 650.100(p);
- F) the vendor uses Program assets (facility income, equipment, stock, or money) for personal use;
- G) the vendor has lost two facilities within five years in accordance with subsection (f)(1)(D) of this Section; or
- H) the vendor is convicted of a felony.

- 2) An individual must wait two years from the effective date of license termination before applying for readmission to the Program in accordance with Sections 650.50 and 650.60. All seniority rights will be lost at the time of the license termination and will not be reinstated.

Section 650.120 Disciplinary Procedures for VR Clients in Initial Training

- a) Trainees who are receiving initial training and vendors receiving retraining in the classroom or at an on-the-job training site will be disciplined as set out in this section for violating a rule of conduct. Documentation of discipline will be kept in the individual's personnel file.
- b) A trainee wishing to appeal discipline may do so per 89 Ill. Adm. Code 510. A vendor wishing to appeal discipline may do so per Section 650.110.
- c) The following actions will begin with the discipline shown and progress as follows: oral reprimand or written reprimand, suspension from training for one day and termination from training.
 - 1) Leaving training during scheduled hours without permission. Oral reprimand.
 - 2) Sleeping during training. Oral reprimand.
 - 3) Failing to report any injury. Oral reprimand.
 - 4) Failing to request a scheduled absence 24 hours in advance from the Training Director or designee. Oral reprimand.

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED RULES

- 5) Failing to observe rules of the Illinois Visually Handicapped Institute as set forth in 89 Ill. Adm. Code 730. Oral reprimand.
- 6) Failing to notify the Training staff by 7:00 a.m. of any day the trainee is unable to attend training. Oral reprimand.
- 7) Failing to notify the Training staff before the scheduled starting time of the inability to attend on-the-job training. Oral reprimand.
- 8) Failing to wear the approved uniform during training. Oral reprimand.
- 9) Eating, drinking or smoking in class or outside designated areas. Oral reprimand.
- 10) Disregarding safety or sanitation practices (e.g., failing to report unsafe equipment, removing machine parts without approval). Oral reprimand.
- 11) Using training equipment, machines or training telephones without specific approval from the Training Director or designee. Oral reprimand.
- 12) Excessive absenteeism or tardiness (e.g., more than two unscheduled absences or reporting tardy more than three times). Written reprimand.
- 13) Unprofessional conduct (e.g., use of profane language, racist or sexist remarks, unwelcome sexual advances, verbal or physical conduct of a sexual nature). Written reprimand.
- 14) Cheating on tests. Written reprimand.
- 15) Damaging Program property through failure to exercise proper care. Oral reprimand.
- d) The following actions will result in termination from training:
 - 1) Theft.
 - 2) Consuming or possessing alcoholic beverages or illegal substances or working under the influence of such during training.

NOTICE OF PROPOSED RULES

- 3) Inappropriate behavior which disrupts training or on-the-job training (e.g., fighting, gambling, conducting a lottery, excessive tardiness which continues after a written reprimand).
- 4) Inflicting or attempting to inflict harm upon the person or property of another.
- 5) Misrepresenting or withholding information on the Employment Verification form (I-9) or the referral packet.
- 6) Failing or refusing to follow instructions or complete assigned objectives in a timely fashion in any area of training and on-the-job training.
- 7) Possessing a dangerous weapon during training (e.g., a knife with a blade longer than two inches).
- 8) Threatening, coercing or interfering with a trainee, DORS employee, vendor or customer.
- 9) Three unexplained absences.
- 10) Cheating in the final examination.
- 11) Altering or willfully destroying Program records, files or property.
- e) Oral and written reprimands will be imposed per Section 650.110 by a member of the training staff. If possible, another staff member as well as the VR counselor, if available, should be present when discipline is imposed.

Section 650.130 Grievance Procedures for Vendors

- a) Dissatisfaction of a vendor with any DORS action arising from the administration of the Program shall be appealed pursuant to 89 Ill. Adm. Code 510. A vendor may grieve discipline pursuant to the following procedures for Level I (Administrative Reviews) and Level II (Evidentiary Hearings). The action of grieving a suspension, not including an immediate suspension, to Level I or Level II shall stay the imposition of the discipline until the administrative remedies within DORS have been exhausted. A Level I

NOTICE OF PROPOSED RULES

Hearing is optional; a vendor may choose to go directly to a Level II Hearing and follow the procedures in subsection (c)(2) of this Section. A suspension may be grieved by appealing directly to Level II.

b) Level I (Administrative Review)

In order to grieve an oral or written reprimand imposed per Section 650.110, DORS must receive a request for a Level I Hearing within 15 days of the date of receipt of notification that discipline is to be imposed. The vendor shall give notice in writing by certified mail to the Administrator, which notice shall state the reason for the grievance and the remedy being sought.

- 1) If the grievance is timely, the Administrator or designee shall, within five days, notify the vendor by certified mail of the time and place of the Level I Hearing, to be held between 10 and 15 days of receipt of the vendor's notice at the Springfield Administrative office of DORS. The Administrator, or designee, and vendor shall meet and attempt to resolve the grievance to their mutual satisfaction.

- 2) Within 10 days after the adjournment of the meeting the Administrator shall send the vendor a letter by certified mail stating DORS' position and summarizing the results of the hearing. The letter must contain:

- A) a statement of the basis upon which the decision was made;
- B) the applicable laws, rules, regulations and policies used;
- C) the name and address of the DORS Hearings Coordinator; and
- D) a statement that if the vendor is dissatisfied with the decision, a request for a Level II hearing must be received by the Hearings Coordinator within 15 days from the date of receipt of the Level I hearing decision notice. The request shall be in writing, addressed to the DORS Hearings Coordinator at P.O. Box 19429, Springfield,

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED RULES

Illinois 62794-9429, and shall contain the reason for the Level II Hearing and propose four acceptable dates for the hearing, which dates shall be within 20 days of the request.

c) Level II (Evidentiary Hearing)

- 1) If the vendor requests a review of an action where there has been no Level I Hearing, the request for a Level II Hearing must be received by the DORS Hearings Coordinator within 15 days of the date of notification that discipline is to be imposed. The request shall also propose four acceptable dates for the hearing, which dates shall be within 20 days of the request.

- 2) If the vendor has chosen to have a Level I Hearing and then requests a Level II Hearing, the Level II Hearing shall review only those issues presented by the vendor or which are material and related to those presented in the Level I Hearing.

- 3) Within 5 days of receipt of the request, the DORS' Hearings Coordinator shall select one of the offered dates and notify the vendor by certified mail of the date and place for the Level II Hearing stating the Hearing Officer's name and address, and informing the grievant of all rights accorded pursuant to this Part.

- 4) DORS will be represented by the Administrator or designee, who may be assisted by other staff including the DORS legal counsel.

- 5) At least three days prior to the hearing, the vendor and the Administrator must provide each other and the Hearing Officer with a list of witnesses and copies of documents not in the possession of the other party.

- 6) The following is the order of proceedings:

- A) presentation, argument and disposition of all preliminary motions and matters;
- B) opening statements;
- C) evidence presented by the vendor;

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED RULES

- D) evidence presented by DORS;
- E) rebuttal by either or both sides; and
- F) closing statements.

- 7) The vendor and DORS are entitled to present their case by oral or documentary evidence, to submit rebuttal evidence and to conduct such examination and cross examination of witnesses as may be required for a full and true disclosure of all facts bearing on the issues.

8) The Hearing Officer

- A) The Level II Hearing shall be heard by an Impartial Hearing Officer appointed by the Hearing Coordinator from a list maintained by him/her.

- B) The qualifications for a hearing officer are:

- i) impartiality,
- ii) an understanding of the applicable rules (89 Ill. Adm. Code 650),
- iii) the ability to preside over the evidentiary hearing, and
- iv) the ability to reach a logical recommendation based upon the facts presented at the evidentiary hearing and the applicable rules.

- 9) The Hearing Officer has the power to:

- A) control the conduct of the hearing to prevent irrelevant or immaterial discussion;
- B) rule upon all motions and other matters arising in the course of the hearing, including, but not limited to, admissibility of evidence; and
- C) require the parties, upon reasonable notice, at any stage of any hearing or after all parties have completed the presentation of

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED RULES

their evidence, to present further evidence including, but not limited to, the production of any and all documents, books, papers and accounts the Hearing Officer deems material or relevant to any issue.

- 10) Any relevant evidence presented which is of a type commonly relied upon by reasonably prudent individuals may be admissible, i.e., any information not presented in the hearings previously which pertains to the issues raised in the grievance and has been made available to both parties within the agreed upon time.

- 11) DORS will make a record of the proceeding and shall provide the vendor with one copy upon request.

- 12) The record of testimony, exhibits, and all papers and documents filed in the hearing shall constitute the exclusive record for decision.

13) The decision

- A) Within fifteen (15) days after the hearing is adjourned, the Hearing Officer shall provide a recommendation to the Director of DORS. The recommendation of the Hearing Officer shall be based upon the record of the hearing and shall set forth the principal issues and relevant facts adduced at the hearing; the applicable provisions in law, regulation, and DORS policy; and a recommended action. It shall also contain findings of fact and conclusions with respect to each of the issues and basis therefore.

- B) The recommendation can also set forth any remedial action necessary to resolve operational problems of the Program.

- C) The Director of DORS shall make a decision as to the disciplinary action to be taken within fifteen (15) days of receipt of the recommendations. The Director's decision shall state the principal issues and relevant facts brought out at the hearing, pertinent provisions in law and DORS policy, the

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED RULES

reasoning that led to the decision, and the vendor's right to appeal to the U.S. Department of Education per 34 CFR 395.13. A copy of the Hearing Officer's recommendations shall be attached to the Director's letter. The Director shall send copies of the decision by certified mail to the Hearing Officer, the vendor and his/her personal representative, and to the Administrator.

- D) If the vendor is dissatisfied with the decision rendered after a Level II Hearing, the vendor may request, within fifteen (15) days of the receipt of such decision, that an arbitration panel be convened by filing a complaint with the Secretary of the United States Department of Education, as authorized by Section 5(a) of the Randolph-Sheppard Act, (20 U.S.C. 107 et seq.) and 34 CFR 395.13 (1988).

d) General Provisions for Level I and II Hearings

- 1) A vendor may only designate one personal representative at any one time. DORS and the Hearing Officer must be notified by the vendor of the appointment of a representative by filing, no later than three days in advance of a hearing, a notice of appearance stating the representative's name, address and telephone number, identifying the vendor represented, and signed by the vendor.

- 2) Grievances by any party not directly aggrieved by the discipline cannot be heard by DORS pursuant to this Part.

- 3) The vendor may request a reader, which DORS shall provide at its expense if it is necessary. Either brailled or audio material, at DORS' option and considering the vendor's need, will be used as required.

- 4) All meetings with the vendor pursuant to this Section must occur at a time and location convenient to both parties.

- 5) All proceedings pursuant to this Section are to be confidential and not open to the general public unless requested to be so by the vendor.

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED RULES

- 6) DORS will assume the administrative costs of the appeals, e.g., reader, and court reporter/transcription, but not costs personally incurred by the vendor because of the proceedings, e.g., legal fees, travel, witness costs, and room and board.

e) Vendor's Rights Regarding a Grievance

After a request for a hearing is received by DORS, the vendor must be informed of the right to:

- 1) review his/her file and other related documents, with the exception of information per Section 650.90 and confidential information;
- 2) be represented by a personal representative who has filed a notice of appearance with DORS;
- 3) an explanation of the grievance process as set forth in this section;
- 4) request a reader;
- 5) withdraw the grievance at any time during the process, in which case the vendor cannot request a reopening of the grievance;

6) a timely and impartial hearing;

- 7) decline to appear for Level I or II Hearing, in which case a review of the case file and any new written information or evidence submitted by the grievant will be examined and a decision made based on that review by the Hearing Officer;

8) confidentiality of the proceedings as set forth in 89 Ill. Adm. Code 505.10; and

- 9) have DORS employees directly involved in the appealed action present at the hearings, and to question them. However, if such employee(s) is no longer employed by DORS and declines to attend the hearing after DORS has made a reasonable attempt to secure his/her attendance, the person most knowledgeable about the case will attend.

f) DORS Rights Regarding a Grievance

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED RULES

DORS has the right to:

- 1) refuse to hear grievances if not timely filed;
- 2) have a DORS attorney present;
- 3) cooperation by the vendor;
- 4) publish hearing summaries, with deletions as necessary to ensure confidentiality; and
- 5) consolidate for hearing all issues related to a vendor or to several vendors out of the same set of facts and circumstances.

g) Conduct of the Hearings

- 1) A hearing will not be adjourned until the Administrator or Hearing Officer is satisfied that all facts needed for a decision have been assembled.
- 2) Only information bearing directly on the issue under review may be introduced; only information which has been made available to the other party may be considered by the Administrator or Hearing Officer.

- 3) It is DORS' responsibility to prove that a violation occurred. If the Hearing Officer determines that DORS failed to prove that a violation occurred, he/she may direct that the disciplinary action being grieved be removed from the vendor's file.

- 4) All parties involved in the hearing must avoid undue delay caused by repetitive continuances so that the subject matter of the hearing may be resolved expeditiously. A hearing may for good cause shown be continued by the Administrator or Hearing Officer. Notice of the request must be given in writing to the other party and to the Hearing Officer no less than 5 days prior to the scheduled hearing date (in the absence of an emergency).

h) Use of the Record

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED RULES

1) Upon completion of the hearing, all records, recommendations, orders, and attached materials shall be placed in a permanent file. This file shall be confidential and only those DORS officials involved in the disciplinary process shall have access to them. In future cases, the legal representative of a vendor may examine such files, but only after the names, addresses, and identifying characteristics of any vendors involved have been removed.

2) The Director of DORS reserves the right to submit the record of the Level II Hearing to the appropriate state or federal officials, together with a request that action be taken, if the record discloses that illegal conduct relating to the operation of the facility may have occurred.

Section 650.140 Set-Aside Funds

a) The collection of set-aside funds shall be based on a schedule of assessment on net income from each facility, including direct or commission income from vending machines assigned to the facility.

b) DORS may authorize the nominee agency to collect set-aside funds which accrue to DORS from an assessment against the net proceeds of a facility. Such charges shall be determined for use as specified in 34 CFR 395.9 (1988).

Section 650.150 Leaves of Absence

a) Medical Leaves

1) Medical leaves of four facility business days or less do not require medical documentation; however, the vendor is responsible for ensuring that a trained replacement is operating at the facility.

2) Medical leaves of over four facility business days will only be granted if the vendor provides medical documentation to the Supervisor prior to the leave, except in emergency (e.g., personal or family illness, death of family member). The documentation shall consist of a statement from the attending physician explaining the vendor's

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED RULES

medical condition and verifying the need for a leave and the length, if known. In the event of a medical emergency which precludes advance notice to the Supervisor, documentation of the illness must be provided to the Supervisor within 15 days after the emergency occurred. Leaves may not end until medical justification is provided to the Supervisor that the vendor's return to work is not medically contraindicated.

3) Medical leaves will be granted for no more than six months. If after six months the vendor is unable to return to the facility, an inventory of property and stock will be made and the facility reassigned per Section 650.90.

4) When a medical leave is granted, the vendor has the option of retaining management of the facility or temporarily transferring the management of the facility to DORS, subject to the following:

A) If the vendor retains management of the facility, he/she will receive the net income from the assigned facility during the leave of absence. The replacement person must be approved by the Supervisor or designee.

B) If the vendor chooses to temporarily transfer management of the facility, an inventory of facility property and stock will be taken at the time that the medical leave begins, and a temporary person will be assigned to the facility by DORS. Any profits or losses accrue to or are covered from set aside.

5) Should a vendor, due to a medically verifiable reason, be unable to make a decision regarding the operation of his/her facility, the Supervisor using best business judgment, will assign a temporary replacement person for the period the vendor is unavailable, not to exceed 6 months after which time the provisions of subsection (a)(3) of this Section take effect. Operation of the facility will be returned to the vendor upon a physician's written verification that the vendor is able to make a decision regarding operation of the facility.

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED RULES

b) Personal Leaves

- 1) A vendor may take up to a total of 15 days of personal leave in any one calendar year.
 - A) If a vendor takes up to four consecutive days of personal leave at one time, it does not require prior notification to the Supervisor. However, the vendor must provide a trained replacement person.
 - B) If a vendor takes more than four consecutive days of personal leave at any one time, it requires five days prior notification to the Supervisor. The vendor shall provide a trained replacement person.
 - C) A vendor may not take more than 15 days of personal leave in any one calendar year, unless the vendor obtains prior written approval of the Supervisor. The vendor shall provide a trained replacement person.
- 2) Notification to a Supervisor regarding personal leave shall contain the name of the trained replacement and when possible, a telephone number and address where the vendor can be located during the leave.
- 3) The Supervisor has the right to negotiate a different starting date for the leave based on the availability of a trained replacement.
- 4) During a personal leave, the vendor shall retain management of his/her location and its net income.
- 5) The replacement selected by the vendor will be reviewed by the Supervisor, or designee, based upon the replacement's abilities to manage the facility as demonstrated by previous experience, and also meet the stipulations of the facility contract. If the Supervisor or designee has questions about the replacement person, he/she will discuss them with the vendor.

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED RULES

- 6) If the vendor fails to return to the facility upon completion of the leave or fails to obtain prior approval from the Supervisor for an extension, DORS will attempt to contact the vendor by telephone. If no response is received by the second business day, the provisions of Section 650.110 (f)(1) will become effective.

Section 650.160 Vending Facilities in Rest Areas

- a) Vendors with facilities located in rest areas in accordance with 92 Ill. Adm. Code 534, shall be responsible for all utility costs associated with the business. These utility costs shall be considered a business expense of the facility.
- b) The vendor is responsible for maintaining security within his or her own vending facility (e.g., securely locking vending machines).
- c) The vendor is responsible for providing liability insurance protection in the following minimum amounts: public liability \$500,000/1 million, property damage \$50,000/100,000 and food products liability \$500,000/1 million.
- d) It is the responsibility of the vendor to maintain customer complaint/refund cards in an easily accessible area for customer use. These cards shall be furnished to the vendors by DORS. These cards shall be returned to DORS by the customer at an address specified by DORS on the card. DORS shall contact the vendors who will be responsible for refunding the money to the customer.
- e) Whenever more than one complaint a day regarding the quality of services or goods, the activities of the vendor or return of lost monies at rest areas is made to DORS by vending customers the vendor must make improvements in vending operations to reduce complaints to below the occurrence of one per day.

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED REPEALER

1) Heading of the Part: Vending Stand Program for the Blind

2) Code Citation: 89 Ill. Adm. Code 650

3) Section Numbers: Proposed Action:

650.1	repealed
650.10	repealed
650.20	repealed
650.30	repealed
650.40	repealed
650.50	repealed
650.60	repealed
650.70	repealed
650.90	repealed
650.100	repealed
650.200	repealed
650.500	repealed
650.600	repealed
650.700	repealed
650.1000	repealed
Appendix B	

4) Statutory Authority: Implementing and authorized by "AN ACT in relation to the operation of vending facilities on public and private property by blind persons, and to repeal certain Acts herein named," (Ill. Rev. Stat. 1987, ch. 23, par. 3331 et seq.)

5) A Complete Description of the Subjects and Issues involved:
Part 650 is being repealed, so that a new Part 650 may replace these rules governing the vending facility program for the blind.

6) Will this proposed rule replace an emergency rule currently in effect? Yes ☒ No ☐

7) Does this rulemaking contain an automatic repeal date? Yes ☒ No ☐

8) Does this proposed repealer contain incorporations by reference? No ☐

9) Are there any other amendments pending on this Part? No ☐

Section Numbers Proposed Action Illinois Register Citation

10) Statement of Statewide Policy Objectives (if applicable):
Not Applicable

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED REPEALER

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning these rules within 45 days after this issue of the Illinois Register. All requests and comments should be submitted in writing to:

Ms. Janice Lobb
Regulations and Training Division
Department of Rehabilitation Services
P.O. Box 19429
Springfield, Illinois 62794-9429
Telephone number: (217) 785-3896
T.D.D.: (217) 782-5734

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

12) Initial Regulatory Flexibility Analysis: The Department has determined that this rulemaking will not affect small businesses.

The full text of the Proposed Rule(s) begins on the next page:

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED REPEALER

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF REHABILITATION SERVICES
SUBCHAPTER C: VOCATIONALLY RELATED PROGRAMS

PART 650

VENDING STAND PROGRAM FOR THE BLIND

Section	
650.1	Definitions
650.10	Basis for Legal Authority and Scope of Rules and Regulations
650.20	Functions of the Department as State Licensing Agency
650.30	Right, Title To, and Interest in Program Equipment, Accessories, and Initial Stocks of Merchandise and Supplies
650.40	Use of Program Servicing Arrangement by the Department
650.50	Licensing Program Blind Vendors
650.60	Conditions of License
650.70	Disciplinary Procedures for Licensed Blind Vendors
650.80	Grievance Procedures for Licensed Blind Vendors (Repealed)
650.90	Illinois Committee of Blind Vendors (I.C.B.V.)
650.100	Setting Aside of Funds for Program Purposes
650.200	Training, Retraining, Upward Mobility Training, and In-Service Training
650.500	Leaves of Absence
650.600	Promotions and Transfers (P&T)
650.700	Vending Facilities in Rest Areas
650.1000	Business Practices
APPENDIX A	Manager Operator's Affidavit (Repealed)
APPENDIX B	Approved Purveyor

AUTHORITY: Implementing and authorized by "AN ACT in relation to the operation of vending facilities on public and private property by blind persons, and to repeal certain Acts herein named," (Ill. Rev. Stat. 1987, ch. 23, par. 3331 et seq.)

SOURCE: Amended August 31, 1973; codified at 6 Ill. Reg. 13790; amended at 8 Ill. Reg. 5285, effective April 16, 1984; amended at 9 Ill. Reg. 12347, effective August 5, 1985; amended at 10 Ill. Reg. 3058, effective February 1, 1986; amended at 10 Ill. Reg. 9814, effective May 21, 1986; amended at 13 Ill. Reg. 7465, effective May 1, 1989; emergency amendment at 13 Ill. Reg. 15849, effective September 26, 1989 for a maximum of 150 days; amended at 13 Ill. Reg. 18937, effective November 16, 1989; repealed at — Ill. Reg. _____, effective _____.

650.1 Definitions

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED REPEALER

The following definitions shall apply to this Part:

"Blind vendors" means individuals having no better than 20/200 central visual acuity in the better eye with correcting lenses or a limitation to the field of vision in the better eye to such a degree that its widest diameter subtends an angle of no greater than 20 degrees, who having received training and licensing by the Department of Rehabilitation Services is managing and accruing income from a Program enterprise unit as hereafter set forth in this Part.

"Business counselor" means an employee of the nominee agency who consults and advises assigned blind vendors, and provides regular written reports on the individual Program enterprise units and the blind vendor's performance to the blind vendor and nominee agency.

"Coordinator" means the employee of the Department responsible for the administration of the Vending Stand Program for the Blind per 34 CFR 395 (1983). This person coordinates requirements for operation of the program with the contracted activities of the nominee agency and is responsible for maintaining the Department's relationship with the Illinois Committee of Blind Vendors.

"Department" means the Department of Rehabilitation Services.

"Nominee agency" means a nonprofit agency or organization designated by the Department of Rehabilitation Services (DORS) through a written agreement to act as DORS' agent in the provision of services to the blind vendors under this Part.

"Program enterprise units" means the assigned vending facility location from which the vendor derives income.

"Retraining" means the provision of additional training in the management of the blind vendor's Program enterprise unit when necessary to enable the blind vendor to comply with the requirements for managing a Vending Stand as set forth in 89 Ill. Adm. Code 650: Vending Stand Program for the Blind.

"State Licensing Agency" means the state agency designated by the Secretary of the Department of Education to issue licenses to blind persons for the operation of vending facilities on Federal and other property.

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED REPEALER

Section 650.10 Basis for Legal Authority and Scope of Rules and Regulations

- a) The applicable State and Federal laws cited in the State Plan of the Department of Rehabilitation Services, (herein Department); prescribe the Department's legal authority as State Licensing Agency, (herein Department), to establish the policies and perform the functions necessary for the implementation and administration of the State of Illinois Vending Facility Program for the Blind, (herein Program), in accordance with the provisions of the Randolph-Sheppard Act (20 U.S.C. 107 et seq.), as amended; and to issue rules and regulations pertaining thereto having the force and effect of State law.

- b) These rules and regulations apply to all Program enterprise units which share in the direct or indirect use of any Program set aside funds (89 Ill. Adm. Code 650.100) derived from any such operations on Federal property in the State of Illinois.

Section 650.20

Functions of the Department as State Licensing Agency

The Department of Rehabilitation Services (DORS), as State Licensing Agency shall:

- a) Provide basic vocational rehabilitation services, including training, for eligible persons as blind vendors, assistants, and employees;
- b) seek out and make arrangements for the use of suitable sites for the establishment of vending facilities and other Program enterprises, the operation of which will assure income for the blind vendor commensurate with income derived from similar competitive enterprises in the community, and where the blind vendor can demonstrate to the public the performance, competence and business management knowledge of qualified persons who are blind;

- c) provide for necessary expenditures from available State-Federal funds, and other allowable resources, for the original acquisition and installation of equipment and accessories, replacement of such equipment and accessories as needed or required, and the provision of basic requirements for initial stocks of merchandise and supplies; and

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED REPEALER

- d) develop and implement policies and procedures, and provide staff funds, and a Program servicing arrangement with a nominee agency to enable the Department to carry out its responsibilities under the Randolph-Sheppard Act, as amended (20 U.S.C. 107 et seq.) and to assure:

- 1) the conduct of the Program and the operation of each enterprise unit in accordance with the Act, as amended;
- 2) conformity with the regulations and conditions of the departments, agencies, and management in control of maintenance, operation, and protection of Federal and other property; and
- 3) conformity with the location premises written permit or agreement, and compliance with all State laws, local ordinances and regulations.

Section 650.30

Right, Title To, and Interest in Program Equipment, Accessories, and Initial Stocks of Merchandise and Supplies

Under Section 395.15 of the Code of Federal Regulations, (34 CFR 395.15 (1983)) the Department, by written agreement, permits a designated nominee Program servicing agency to hold right, title to, and interest in Program equipment, accessories, initial stocks of merchandise and supplies as agent of the Department for Program purposes only under State law; and subject to the paramount right of the Department to direct and control the use, transfer, and disposition of such Program equipment, accessories, and initial stocks of merchandise and supplies. It shall be the responsibility of the nominee Program servicing agency to provide for Maintenance of all Program equipment. Fundamental Program policies, sources and use of funds, accountability, procedures, and operations are incorporated in a basic written agreement with attached exhibits; to which the Department, and nominee Program agency, are parties and signatories.

Section 650.40

Use of Program Servicing Arrangement by the Department

The Department's written Program servicing arrangements, included in the agreement referred to in Section 650.30 of these rules and regulations, are with a nominee agency chartered under the State of Illinois General Not for Profit Corporation Act

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED REPEALER

(Ill. Rev. Stat. 1981, ch. 32, par. 163 a et seq.) and provisions of the Program servicing conditions incorporated in the agreement shall include the following:

a) The Department retains full responsibility for the management and operation of all phases of the Program.

b)

1) The type and scope of management services and supervision which the nominee Program servicing agency furnishes for the Department in behalf of the blind vendors includes inspection, quality control, consultation, accounting, regulating, in-service training, and other related services provided on a systematic basis to support and improve each Program enterprise.

2) Management services and supervision does not include those services or costs which pertain to the operation of the individual enterprises; such as employment of substitute workers, rent, advertising, and other usual operating costs.

c) No charges will be collected from blind vendors by the nominee Program servicing agency except as specified in the current official written agreement and the exhibits attached thereto.

d) The nominee Program servicing agency is not to exercise any function with respect to Program funds for the purchase of new equipment or for assuring a fair minimum of return to blind vendors; except to collect and hold solely for the purchase of new equipment or for order of the Department and charges authorized for those purposes.

e) Only the Department shall have control with respect to selection, placement, financial participation and termination of blind vendors, and the preservation, utilization, and disposition of program assets.

Section 650.50 Licensing Program Blind Vendors

a) Licenses to participate in the Program under the Randolph-Sheppard Act, as amended; will be issued only to persons who are

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED REPEALER

1) Blind, as defined by the Randolph-Sheppard Act, as amended;

2) Citizens of the United States; and

3) Certified by the Department as qualified to manage and operate a Program enterprise unit.

A) The Department will certify as qualified applicants who demonstrate:

i) satisfactory personal rehabilitation demonstrated by the blind vendor's orientation and mobility skills, communication skills, and activities of daily living skills as determined by the Department's screening committee with input from the applicant's counselor.

ii) achievement during program enterprise training, demonstrated by a score of at least 75% in each training area module, and completion of all assigned objectives during on-the-job training, and

iii) potential for employment as determined by a screening committee interview with the applicant, based upon the applicant's personality, employment history, personal interests, physical ability, and motivation.

B) The screening committee is composed of the Program's Director of Personnel and Training and trainers employed in Program enterprise training.

b) The license shall be issued for an indefinite period, but may be revoked or terminated for cause as detailed in Section 650.70(b)(1), with appeal rights available to the blind vendor as set forth in Section 650.70(b)(8)(D).

Section 650.60 Conditions of License

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED REPEALER

- a) It is the policy of the Program that no blind person shall be refused consideration for training, licensing, or replacement in a location on the basis of marital status.
- b) The Program entry potential blind vendor serves a six (6) month probationary period of management and operation experience prior to final consideration to become licensed. During this probationary period the individual preparing for licensing, and performing management and operation functions at a Program enterprise unit receives the net income from the assigned Program enterprise, or the fair minimum return guarantee, whichever amount is greater.

c) The blind vendor shall devote full time to the affairs of his or her assigned Program enterprise; carry out assigned activities and relationships in accordance with sound business practices and ethics; and continually demonstrate to the public the performance, competence, and business management knowledge of a qualified person who is blind.

d) Business management consultation services are provided by field and office personnel employed by the nominee Program servicing agency to serve the best interests of each blind vendor; supported by any assistance or any action necessary from the staff of the Department Vending Stand Program or general personnel.

e) Except for cause or circumstances beyond the control of the Department; transfers or promotions of blind vendors between vending facility locations are made as set forth in Section 650.600. Such transfers or promotions other than for cause or circumstances beyond the control of the Department, are for a trial assignment of up to six (6) months. If the increased income or responsibility does not develop as previously projected by the Department or personal welfare and/or other circumstances require that another change be made within the six (6) month trial period, the transferred blind vendor will be given the opportunity to be assigned to another Program enterprise unit comparable to the income earned prior to the transfer, based upon the blind vendor's previous profit and loss statement.

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED REPEALER

f) Income from unassigned vending machines on Federal properties shall accrue to each blind vendor operating a vending facility on such property in an amount not to exceed the average net income of blind vendors within the state, as determined each fiscal year, except that such income shall not exceed the national average net income. However, no blind vendor shall receive less vending income than he or she received prior to January 1, 1974, if such averages are less, as required by 34 CFR 395.8 (1983). Excess income may be used for the establishment and maintenance of retirement and pension funds, health insurance contributions, paid sick leave, and vacation time, if determined by a majority vote of blind vendors, as set forth in Section 650.100(c).

g) Licensed blind vendors, or those on probation for licensing, receive all the net income from the management and operation of their assigned Program enterprise units, which is the remainder of business income after deducting all usual and approved costs of operation, including the current applicable assessment for Program set aside funds (89 Ill. Adm. Code 650.100). Licensed blind vendors, or those on probation for licensing, are engaged in a "trade or business" as defined by the Self-Employment Contribution Act (26 U.S.C. 1401-1403, 1983) and their net income from the management and operation of a Program enterprise unit constitutes self-employment income as defined in Internal Revenue Ruling 54-255.

h) Assuring a fair minimum return to a licensed, or on probation for licensing, blind vendor is a cash subsidy as provided in the written agreement and exhibits attached thereto; in an amount from Program set aside funds that when added to the actual net income of a Program enterprise unit, assures each blind vendor net income from Program participation up to 6,240, (actual net income and subsidy), for a July 1 Fiscal year. The fair minimum return subsidy applies only to actual time spent in the management and operation of a Program enterprise unit and for the time a blind vendor is absent from his or her Program enterprise responsibilities for approved periods of sick, disability, vacation, and personal leave.

i) More than one (1) blind vendor may be assigned to a specific Program enterprise when the conditions of management and operation, net income, required extended

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED REPEALER

hours or days to provide service, and other circumstances warrant, as determined by the Department. In the Multiple blind vendor arrangement, the sharing of net income is based on a three (3) step schedule based on personal and experience qualifications; areas of performance skills and degree of responsibilities; number of hours and days worked; and other pertinent factors to insure that the participation of the several blind vendors in the net income from the multiple operation Program enterprise is just and equitable.

j) Automatic Termination or Suspension of License

Termination or suspension of license shall become automatic when:

- 1) a blind vendor withdraws from the Program. (It shall be understood that his or her license is suspended and return to the Program would require re-entry with loss of seniority rights.) or
- 2) a blind vendor experiences an improvement of vision above the definition of legal blindness. (It shall be understood that this is cause for suspension of license as a blind vendor in the Program, but does not preclude remaining in the Program as an employee.)

Section 650.70 Disciplinary Procedures for Licensed Blind Vendors

a) The Basis for Disciplinary Actions

- 1) Disciplinary actions shall include the following:

- A) oral reprimand,
 - B) written reprimand,
 - C) suspension,
 - D) revocation of license and dismissal from the Program.
- 2) Oral Reprimand
 - A) An oral reprimand is the discussion between the licensed blind vendor and the Supervisor of Management and Training Services which outlines what violation has occurred, corrective action necessary, the consequences

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED REPEALER

of repeated violations and the vendor's right to file a grievance as specified in 89 Ill. Adm. Code 650.80. Oral reprimand shall be used for first violation of the regulations contained within this Part with the exception of Section 650.1000 (r), (s), and (t).

- B) The discussion shall be identified to the blind vendor as an oral reprimand, and shall advise the blind vendor that a problem has resulted from a violation of the rules contained in this Part and to request that the vendor correct it. The oral reprimand may be communicated either in a personal meeting between the blind vendor and the Supervisor of Management and Training Services or in a telephone contact between them. The supervisor shall keep a work file containing a notation of the time of violation, nature of violation, corrective measures requested, and the time of such oral reprimand. Such notations may not be placed in a blind vendor's permanent personnel file. This work file shall be available for the blind vendor's review and shall be subject to the Department's rules on confidentiality (89 Ill. Adm. Code 505). The work file shall be destroyed one year after the violation prompting the oral reprimand if no repeat of that violation occurs.

- C) Oral reprimands which are not corrected, and for which a work file is open will be used to establish grounds for a written reprimand.

3) Written Reprimand

Written reprimands will be issued for a second violation of a rule contained in this Part following an oral reprimand, the violation of a health code or location permit or contract, or violation of business practices set forth in Section 650.1000 (r), (s), and (t). Upon determining that such a violation has occurred the Coordinator shall notify the blind vendor orally that a conference is requested, shall state briefly the reasons for such conference, and shall establish the time and date of such conference. A

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED REPEALER

written confirmation of the oral notice shall be sent to the vendor prior to the conference. The time and place of the conference shall be as finally agreed upon between the Coordinator and the blind vendor and as early as possible for their mutual convenience, but no later than one week and no earlier than 3 days after the time of the original notification by the Coordinator. If no time and place can be agreed upon, the Coordinator shall make the final determination based upon the time constraints above and the Coordinator's and vendor's schedule. The Coordinator will convene the conference and shall request the assistance of the Supervisor of Management and Training Services.

A) The blind vendor may be present and may appoint an individual to assist or represent him/her. Documentation of this appointment must exist in the blind vendor's personnel file. The Department shall have the right to have the assistance of the Department Legal Technical Advisor. The Business Counselor of the blind vendor shall be present along with the Executive Director and Operations Director of the nominee agency. The President of the Illinois Committee of Blind Vendors shall be advised of such conference and shall attend, or shall appoint a designee acceptable to the blind vendor.

B) The Coordinator shall with the assistance of the Business Counselor:

- i) outline the events leading to the conference,
- ii) explain the exact nature of the breach of rules (89 Ill. Adm. Code 650),
- iii) review any prior oral reprimands for similar offenses, which constitute a previous violation of the same rule for which an oral reprimand file remains open, giving all known facts about the present occasion, including the names of all witness,

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED REPEALER

- iv) detail the disciplinary consequences of continued offenses as set forth in 89 Ill. Adm. Code 650.70(a)(4) and (5), and
- v) indicate the steps it is possible for the blind vendor to take to correct the situation.

C) The others present at the conference shall advise, concur, or dissent. The Coordinator shall within five days subsequent to the conference send a memorandum to the blind vendor and the blind vendor's personal representative, if any, recapitulating all matters discussed, instructions given, and agreements reached, with copies to all those who were present. A copy of the memorandum shall be filed in the blind vendor's permanent personnel file. The Department's rules on confidentiality (89 Ill. Adm. Code 505) shall apply to all matters discussed and all parties involved with these proceedings.

4) Immediate Intervention and Suspension

A) Suspension will be imposed when a violation is repeated following a written reprimand or when an action which constitutes a criminal offense punishable by fine has been committed which results in loss of vending facility location money, property, customers or sales. If written confirmation of such an infraction is made, by the nominee agency or Department employee assigned to investigate the alleged violation the Coordinator must determine if an immediate suspension is necessary or immediate suspension is not warranted and that procedures as set forth in 89 Ill. Adm. Code 650.70(b) shall apply. If the Coordinator determines that immediate suspension is necessary, based on the severity of the violation, the Coordinator shall seek the authority for immediate suspension by telephone from the Director of the Department. The Director or Director's representative shall authorize by telephone such immediate intervention, suspension of

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED REPEALER

operation, and suspension of vendor, based upon the reported infraction but shall confirm this in writing to the Coordinator.

- B) Pursuant to such authorization the vendor shall be suspended and the operation of the facility shall be continued by a substitute vendor. An immediate inventory of all stocks, equipment, and documents shall be taken and recorded. Disciplinary proceedings, as outlined in 89 Ill. Adm. Code 650.70(b), shall commence upon the next most immediate working day. The vendor who shall have been suspended in the manner above set forth shall remain suspended for the period between such suspension and an evidentiary hearing. While the facility is being managed by a substitute manager it shall be arranged that the income from the Program enterprise unit used for temporary vendor's salary shall be returned to the blind vendor by the Department. Only in the event of such vindication following immediate intervention may the vendor request his or her original location as his/her place of operation, and in no other instances under these rules will the vendor be returned to that location.

- C) Should the Coordinator determine that immediate intervention and suspension is not warranted but that other severe disciplinary action discussed in Section 650.70(b)(1) may be required, procedures contained within 89 Ill. Adm. Code 650.70(b) shall apply.

- 5) Revocation of license shall occur when there is a repeated violation in spite of a suspension or when an action which constitutes a criminal offense punishable by imprisonment has been committed which results in loss of location money, property, or good will.

b) Evidentiary Hearing

- 1) The Basis for Evidentiary Hearings

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED REPEALER

When the Coordinator of the Vending Facility Program has written confirmation of a violation of rules contained within this Part which would constitute an offense punishable by suspension or revocation the Coordinator shall notify immediately the Supervisor of Management and Training Services, the Executive Director and Operations Manager of the nominee agency, and the Business Counselor of the blind vendor. These officials and the Coordinator shall confer at the earliest possible moment, review the evidence presented by the Coordinator and the Supervisor of Management and Training and determine whether an evidentiary hearing is warranted. Recommendations to proceed with the evidentiary hearing may be made by those present to the Coordinator either jointly or independently.

2)

If, based upon the recommendations received at the conference (89 Ill. Adm. Code 650.70(b)(1)), it is decided by the Coordinator that the circumstances may warrant a suspension or a revocation of license and dismissal from the Program the Coordinator shall proceed with the evidentiary hearing. A previous suspension will not be grounds for dismissal when its basis is unrelated to the violation which is the subject of the current disciplinary action. Results of the evidentiary hearing may be appealed to an arbitration panel as set forth in 89 Ill. Adm. Code 650.70(b)(8)(D).

3)

A) The Coordinator of the Vending Facility Program shall notify the blind vendor by registered mail at least twenty (20) days in advance that an evidentiary hearing is to be held. The vendor shall respond within one week of the receipt of the letter and may make a counter recommendation as to time and place, which time shall not be later than twenty (20) days after the date of the letter. The time and place are to be agreed upon, which time shall not be later than (40) days after the date of initial contact. In the event no agreement can be reached, the Department shall set the final arrangements.

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED REPEALER

- B) The initial notice must contain a clear and concise statement of the reasons the evidentiary hearing is being held. It shall state specifically, rules and regulations or laws believed to have been violated, or review the particular offense or permit violation in question. It shall give the time and dates of the violation, list any witnesses, and contain as an attachment a copy of these rules and regulations. The notice shall also contain a complete statement of the facts the Department intends to present at the hearings. The notice shall also contain a statement of the degree of disciplinary action being sought.

4) Rights of the Vendor

The blind vendor is entitled to full and timely notice as provided in these rules (89 Ill. Adm. Code 650.70(b)(3)). The vendor shall be encouraged to appoint a personal representative to assist or represent the vendor in the evidentiary hearing. The representative is an individual appointed by the vendor and appointment of this representative must be documented in the vendor's personnel file. The vendor has the right to present any exhibits, depositions, or witnesses, together with the right to make any arguments, objections, cross examinations of opposing witnesses, and shall receive an impartial and fair hearing.

5) Rights of the Department

The Department will be represented by the Coordinator of the Vending Facility Program, who shall be assisted by the Supervisor of Management Training Services, the Executive Director and Operations Director of the nominee agency and the Business Counselor of the blind vendor. These officials may have a legal counsel from the Department present and participating with them in the presentation of their case. They may present all relevant and material evidence, call witnesses and cross examine opposing witnesses, make all pertinent arguments and objections, and submit any depositions or exhibits proper to the case. If,

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED REPEALER

under Section 650.70 (b) (3) above, they have notified the blind vendor that they intend to refer to any special knowledge or expertise, they may do so. The blind vendor may argue against such claim.

6) The Hearing Officer

- A) The evidentiary hearing shall be heard by a presiding officer who is an impartial and qualified official appointed by the Director of the Department who has no involvement either with the Department action which is at issue in the hearing or with the administration or operation of the Randolph-Sheppard Vending Facility Program. The presiding officer shall be a staff member or official of another State agency or the Department hearing officer.

- B) The qualifications for a hearing officer are:

- i) an understanding of the applicable rules (89 Ill. Adm. Code 650),
- ii) the ability to preside over the evidentiary hearing, and
- iii) the ability to reach a logical recommendation based upon the facts presented at the evidentiary hearing and the applicable rules.

7) The Hearing

- A) The presiding officer shall conduct the full evidentiary hearing, avoid delay, maintain order, and make inquiry into the proceedings to ensure a full and true disclosure of the facts and issues. The presiding officer shall have all powers to make all procedural and evidentiary rulings necessary for the orderly conduct of the hearing. The hearing shall be open to the public unless the presiding officer determines that the evidentiary hearing would be disrupted by being open, or when the vendor requests that the hearing be closed.

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED REPEALER

B) Both the blind vendor and the Department are entitled to present their case by oral or documentary evidence, to submit rebuttal evidence and to conduct such examination and cross examination of witness as may be required for a full and true disclosure of all facts bearing on the issues. In the evidentiary hearing, the burden is upon the Department to prove that a violation has occurred. The hearing officer shall have the authority to limit such presentations to evidence relevant to the hearing and to exclude repetitious evidence and questioning.

C) All papers and documents introduced into evidence at the hearing shall be filed with the presiding officer and provided to the other party. All such documents and other evidence submitted shall be open to examination by the parties and opportunities shall be given to refute facts and arguments advanced on either side of the issues.

D) A transcript shall be made of the oral evidence and shall be made available to parties. The Department shall pay the administrative costs of the hearing and shall provide the blind vendor with at least one copy of the transcript.

E) The transcript of testimony, exhibits, and all papers and documents filed in the hearing shall constitute the exclusive record for decision.

8) The Decision

A) Within fifteen (15) working days subsequent to the hearing the presiding officer shall provide a recommendation to the Director of the Department. The recommendation of the presiding officer shall set forth the principal issues and relevant facts adduced at the hearing, and the applicable provisions in law, regulation, and Department policy, and the recommended disciplinary action. It

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED REPEALER

shall contain findings of fact and conclusions with respect to each of the issues and basis therefore.

B) The recommendation shall also set forth any remedial action necessary to resolve any operational problems of the Program enterprise unit resulting from the issues in dispute.

C) The Director of the Department shall make a decision as to the disciplinary action to be taken within fifteen (15) working days of the receipt of the recommendations. The Director shall issue the decision in writing and shall send copies of it by certified mail to the presiding officer, to the blind vendor and his or her personal representative, to the Coordinator of the Vending Facility Program, and to the Executive Director of the nominee agency. The Director shall cite those portions of the record and the rules upon which the decision was based, and may not, therefore, base the decision upon anything not of record. If this decision differs from the recommendations of the hearing officer, the Director shall explain the reasons for such difference. The decision and order will be effective fifteen (15) working days after issuance unless the blind vendor gives notice to the Department of his or her intention to appeal.

D) If the blind vendor is dissatisfied with the decision rendered after a full evidentiary hearing, the vendor may request that an arbitration panel be convened by filing a complaint with the Secretary of Department of Education (DE), as authorized by Section 5(a) of the Randolph-Sheppard Act, (20 U.S.C. 107 et seq.) and 34 CFR 395.13 (1983) within fifteen (15) working days of the receipt of such decision.

9) Use of the Record

DEPARTMENT OF REHABILITATION SERVICES

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED REPEALER

NOTICE OF PROPOSED REPEALER

The Director of the Department reserves the right to submit the record of the evidentiary hearing to the appropriate State or Federal officials, together with a request that action be taken, if the record discloses that illegal conduct relating to the operation of the Program enterprise unit may have occurred.

Rehabilitation Services, as the State Licensing Agency, in major administrative activities and policy and program development decisions affecting the overall administration of the Vending Facility Program. Such activities shall include, but not be limited to, the following:

10) Filing

Upon the completion of the above set forth hearing procedures, all records, recommendations, orders, and attached materials shall be placed in a permanent file established for the purpose of having available to the Department officials a history of such proceedings to be used as guides in future cases. It shall be the goal of the Department's administrators to bring uniform and consistent disciplinary action into the Program. The prior cases shall serve as guides in determining what action may be appropriate, and what penalty may be proper should the accusations prove valid. The permanent file shall be kept in strict confidence and only those Department officials involved in the disciplinary process shall have access to them. In future cases, the legal representative of a blind vendor may examine such files, but only after the names and addresses of the parties have been removed.

Section 650.80

Grievance Procedures for Licensed Blind Vendors (Repealed)

Section 650.90

Illinois Committee of Blind Vendors (I.C.B.V.)

a) The Illinois Committee of Blind Vendors shall consist of eleven (11) members elected biennially for a term of two years. Such election shall be conducted by the Illinois Department of Rehabilitation Services in such a manner as to assure that all licensed blind vendors shall have an equal opportunity to participate in the election. No other persons shall be entitled to vote in such election.

b) The Illinois Committee of Blind Vendors as the elected representatives of the blind vendors shall actively participate with the Illinois Department of

1) development of an agreement between the Department and the Illinois Committee of Blind Vendors specifying the committee's participation in the Program,

2) input into decisions concerning the type and scope of insurance plans and the allocation and distribution of surplus income from vending machines on Federal property,

3) the receipt of grievances of blind licensees, and at the request of such licensees, the transmittal of such grievances to the Department and provide service as advocate for procedures as outlined in Section 650.80,

4) active participation in the development and administration of a system for transfer and promotion of blind vendors,

5) active participation in development of training and retraining programs for blind vendors, and

6) sponsorship, with the assistance of the Department, of meetings and instructional conferences for blind vendors within the State.

Section 650.100 Setting Aside of Funds for Program Purposes

a) The collection of set aside funds for program purposes is based on a schedule of assessment on net income from each Program enterprise unit when applicable; including direct or commission income from vending machines assigned to the location.

b) In no case will the collection of set aside funds for Program purposes exceed a reasonable amount as determined by the Administrator, Social and Rehabilitation Service, Department of Education, and Washington, D.C.

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED REPEALER

c) These rules and regulations prescribe that the nominee Program servicing agency is authorized by the Department to collect set aside funds from Program income of blind vendors. Such charges shall be determined for usage as specified in Federal Regulations 34 CFR 395.9 (1983) and the current assessment schedule shall be established with active participation by the Illinois Committee of Blind Vendors and the Department. Such assessment shall be only for the purposes of:

- 1) Maintenance and replacement of equipment;
- 2) The purchase of new equipment;
- 3) Management services;
- 4) Assuring a fair minimum of return to blind vendors in Program enterprises; and
- 5) Retirement or pension funds, health insurance contributions, and provision for paid sick leave and vacation time, if it is so determined by a majority vote of licensed blind vendors. Excess income not voted to be spent on fringe benefits shall be designated for set aside funds pursuant to 34 CFR 395.9 (1983).

d) The Department determines the charges for each of the above listed purposes in accordance with a detailed Program operating budget for each July 1 Fiscal Year; and establishes a current assessment schedule for collection of Program set-aside funds; which is approved by the Director of the Department; and the budget items and amounts allocated are projected to prevent, so far as is practicable; a greater charge for any purpose than is reasonably required for that purpose.

e) The Department and the nominee Program servicing agency shall maintain records to support the costs for each of the purposes prescribed by the Randolph-Sheppard Act, as amended, and cited in Section 650.100 (c) of these rules and regulations. These records shall be open to I.C.B.V. and shall be utilized in developing the assessment schedule as set forth in 89 Ill. Adm. Code 650.100(c).

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED REPEALER

Section 650.200 Training, Retraining, Upward Mobility Training, and In-Service Training

a) Training

- 1) Training shall be required of all blind vendors prior to licensing.
- 2) Criteria required for entrance into the Vending Stand Program are that the trainee must:

A) be legally blind by having no better than 20/200 central visual acuity in the better eye with correction or a limitation to the field of vision in the better eye to such a degree that its widest angle subtends an angle no greater than 20 degrees,

B) be a citizen of the United States,

C) be at least 18 years old,

D) be a client of the Department of Rehabilitation Services (DORS) Vocational Rehabilitation Program (89 Ill. Adm. Code: Chapter IV, Subchapter b),

E) be referred by a DORS Vocational Rehabilitation (VR) counselor or by the Vocational Rehabilitation agency of another state. (These referrals shall include case information previously collected by the client's Vocational Rehabilitation counselor regarding the client's:

i) intellectual capacity as measured by standardized intelligence tests,

ii) social history (e.g., marital status, dependents, living arrangements),

iii) previous work experience, and

iv) previous academic records,) and

F) satisfactorily complete a one week evaluation by professional staff at the Illinois Visually Handicapped Institute (IVHI), indicating that the trainee has:

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED REPEALER

- i) adequate orientation and mobility skills to go to and from work and move about the vending stand location,
 - ii) communication skills sufficient to communicate with the public and location employees and to maintain the location's records,
 - iii) mathematical skills equal to a seventh grade level, and
 - iv) daily living skills sufficient to allow the trainee to meet personal care and housekeeping needs.
- 3) A) The criteria listed in subsection (a)(2) above shall be reviewed by a screening committee consisting of:
- i) a DORS liaison from the Department's Bureau of Rehabilitation Services for the Blind,
 - ii) a DORS staff member from the Vending Stand Program,
 - iii) the Vending Stand Program Director of Personnel and Training, and
 - iv) the supervisor of the DORS Vending Stand Program Machine Training Module.
- B) If these criteria are met, the screening committee shall determine that the client is eligible for Vending Stand program training. If these criteria are not met, the client will be referred to IVHI or the client's VR counselor for remedial or other vocational rehabilitation services.
- 4) Training is divided into 2 distinct areas:
- A) a core module providing general orientation to all vending stand operations and skills necessary for the operation of any type of vending stand (e.g., making change, bookkeeping, completing reports), and

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED REPEALER

- B) specific training modules teaching specific skills needed for the operation of specific management areas (including on-the-job training). These modules are:
 - i) dry stands,
 - ii) snack bars,
 - iii) vending machine facilities, and
 - iv) cafeterias.
- 5) The core module described in subsection (a)(4)(A) of this section must be passed by achieving a score of at least 70% on the written examination.
- 6) The specific training modules described in subsection (a)(4)(B) of this section must be passed by a score of at least 70% on the written examination plus completion of all objectives required in on-the-job training to qualify for certification for those specific management areas.
- b) Retraining
- 1) Reasons for retraining include:
- A) When a disciplinary action has taken place which resulted from a violation of the Business Practices set forth in Section 650.1000, retraining will be offered to the blind vendor to remedy the situation.
 - B) If the vending stand location changes or expands, because of a request by the manager of the building in which the stand is located, to include management areas in which the vendor is not qualified or has not had experience within the past year, or when equipment with which the vendor has had no training or experience within the past year is placed in the location, retraining will be required.
 - C) If the blind vendor requests retraining, it will be provided upon Department approval based upon the availability of training

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED REPEALER

resources and the need for the vendor to receive such training. The vendor's need for retraining will be determined by the Department based upon the vendor's business counselor's observation reports.

- D) When a vendor is transferred to a new location which includes management areas in which the vendor has not had experience within the past year, retraining is required.

2) Vending Stand Status During Retraining

- A) When retraining is provided to the blind vendor at his or her option, the vendor shall retain right to the stand upon completion of retraining.

- B) During retraining, the blind vendor shall choose to receive:

- i) the income earned from the location, or
ii) a set amount equal to the average of his or her earnings per period within the past 3 months.

- C) Blind vendors who are required to take retraining must satisfactorily complete by meeting the same standards as those of training (89 Ill. Adm. Code 650.70(a)(6)) to retain operation of his or her stand. Vendors who do not satisfactorily meet these standards will be placed in locations for which they are qualified, similar to their location before retraining occurred.

c) Upward Mobility Training

The Department shall as required by law (34 CFR 395.11, 1983) provide upward mobility training to blind vendors to allow them to obtain certification to operate the types of vending facility in which they are currently not certified. Upward mobility training consists of training in those training modules contained in Section 650.200(b)(4)(B) in which the vendor has not been previously certified.

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED REPEALER

d) In-Service Training

The Department shall offer in-service training (e.g., seminars) to improve and/or enhance a blind vendor's managerial skills. In-service training is optional to the vendor.

Section 650.500 Leaves of Absence

a) Medical Leaves

- 1) Medical leaves of over one week will be granted to blind vendors for medical reasons if any time prior to the leave the blind vendor provides medical justification, to the Supervisor of Management, Training, and Personnel of the Department of Rehabilitation Services' (DORS) Vending Facility Program. The medical justification shall consist of a note from the attending physician explaining the vendor's medical condition. In the event of a medical emergency, which precludes advance notice to the Supervisor, written medical verification of the illness must be provided to the Supervisor of Management, Training, and Personnel within 15 days after the emergency occurred. Leaves of less than one week do not require advance medical verification provided that the Supervisor is notified.

2)

When a medical leave is granted, the blind vendor has the option of retaining management of the location or temporarily transferring the management of the location to the nominee agency.

- A) If the blind vendor retains management of the vending facility location, he or she will receive the net income and be responsible for the income losses from the assigned location during the leave of absence.

- B) If the blind vendor chooses to temporarily transfer management of the location, an inventory of location property and stock will be taken (hereinafter referred to as "inventorying out") at the time that the medical leave begins, and a temporary vendor will be assigned to the location. A

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED REPEALER

temporary vendor will be assigned by the Department, based upon certification, seniority and experience. Income, losses, or profits will be transferred to the temporary vendor during the medical leave.

3) Should a blind vendor, due to a medically verifiable reason, be unable to make a decision regarding the operation of his/her location, the Supervisor of Management, Training, and Personnel will contact the parties previously designated as contained in the vendor's personnel file (or the Illinois Committee of Blind Vendors (ICBV)) acting in the best interest of the disabled blind vendor and facilitate the settlement of operational details pursuant to (A) or (B) above. Operation of the location will be returned to the vendor upon written verification from a physician that the vendor is able to make a decision regarding operation of the location.

4) Medical leaves will be granted for no more than 6 months. If after 6 months the blind vendor is unable to return to his or her location based upon a statement of the physician, an inventory of location property and stock will be made and the location reassigned as set forth in Section 650.600. The vendor may appeal the inventorying out of the location per Section 650.80.

5) If, after the blind vendor's location has been reassigned, the blind vendor desires to be assigned another location and a statement from the blind vendor's medical doctor is in file indicating that the blind vendor is able to return to work, the blind vendor may bid on available vending facility locations and will be given a preference when all other selection criteria are determined equal.

b) Personal Leave

1) The Supervisor of Management, Training, and Personnel of the Vending Facility Program will grant personal leave to a blind vendor for a period of up to 30 calendar days when it is requested by the vendor. The request must be in writing and contain an explanation of the reason

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED REPEALER

for the leave. The Supervisor of Management, Training and Personnel's approval of this leave must be verified in writing.

2) The personal leave will be extended for an additional period of up to 30 days with the approval of the Supervisor of Management, Training, and Personnel when a written request explaining why an extension is necessary is provided by the vendor.

3) During the personal leave, the blind vendor will retain the management of his or her location and its net earnings. If the blind vendor fails to return to his or her location upon completion of the personal leave and has failed to notify the Supervisor of Management, Training, and Personnel of a delay in returning prior to the scheduled return, the Department will attempt to contact the blind vendor by telephone and if the attempt to contact him is unsuccessful, an inventory of location property and stock will be taken and the location reassigned. The inventorying out of the vendor can be appealed per 89 Ill. Adm. Code 650.80.

4) The replacement vendor must be approved by the Administrative staff of the Vending Facility Program based upon the replacement's abilities to perform the functions of the temporary management of the location, as demonstrated by previous experience and the stipulations of the location contract.

c) Vacation leave

1) The Supervisor of Management, Training, and Personnel of the Vending Facility Program will grant a vacation leave to a blind vendor when requested for a period of time not to exceed 8 calendar weeks, for extended travel or vacation. Vacation leave must be pre-arranged with the Supervisor of Management, Training, and Personnel and verified in writing. The 8 week vacation leave will include the blind vendor's vacation time accumulated through policies maintained by the Visually Handicapped Managers of Illinois, Inc.

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED REPEALER

- 2) During vacation leave the blind vendor will retain the management of the location and its net earnings. If the blind vendor fails to return to his or her location upon completion of vacation leave and fails to notify the Supervisor of Management, Training, and Personnel of a delay in returning prior to the scheduled return the Department will attempt to contact the blind vendor by telephone and if the attempt is unsuccessful, an inventory of location property and stock will be taken and the location reassigned. The inventorying out of the vendor can be appealed per Section 650.80.

- 3) The replacement vendor must be approved by the Administrative staff of the Vending Facility Program based upon the replacement's abilities to perform the functions of the temporary management of the location, as demonstrated by previous experience and the stipulations of the location contract.

Section 650.600 Promotions and Transfers (P & T)

- a) Vending facility location openings will be made known to all blind vendors.
- b) All blind vendors have the right to bid for promotion or transfer to an open location for which they are certified, pursuant to Section 650.50(a)(3).
- c) The Supervisor of Management, Training and Personnel of the Vending Facility Program shall send notification of all vending facility location openings to all licensed blind vendors, graduates of training and certified visually handicapped employees. The notification will include:

- 1) geographic location of the opening,
- 2) type of vending facility (i.e., dry stands, snack bars, vending machine facilities and cafeterias),
- 3) job requirements of the position based on the type of location and the conditions contained in the Department's permit or agreement with the Management of the building in which the vending facility is located,

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED REPEALER

- 4) anticipated income from the location based upon profit and loss statements for existing locations and Department projections for new locations,
- 5) the closing date of the bid which is two weeks following notification of the location opening, and,
- 6) statements indicating that the vendor may submit a self-analysis of his performance.

d) All bids by blind vendors for open locations shall be evaluated by the Transfer and Promotion Selection Committee, which shall be formed from the membership of the Transfer and Promotion Committee and become a standing committee. The Selection Committee shall consist of: the Supervisor of Management, Training and Personnel (DORS), the Director of Operations of the Visually Handicapped Managers of Illinois (VHMI), and three managers to be appointed from the Transfer and Promotion Committee, jointly by the Illinois Committee of Blind Vendors (ICBV) Chairman and the Transfer and Promotion Committee Chairman.

- 1) The DORS Supervisor of Management, Training and Personnel would chair the Selection Committee and provide an agenda--location--bid--applicants--all relevant data, which include, but not be limited to:

- A) a written manager analysis of the criteria in (E), based on the manager's previous 13 periods, from the Director of Operations, with space for comments or recommendations by the Department;
 - B) the data from the previous 13 Profit and Loss statements, or whatever portion might be available, from the date of the closing of the bid;
 - C) a written self-analysis by the bidder of his or her performance during that evaluation period, if the bidder submits one.
- 2) The Selection Committee will review all criteria for transfer and promotion relevant to the particular position as set forth in subsection (e)

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED REPEALER

and shall, based upon the information provided in subsections (d)(1) and (e), compare the quality of the bidders and establish a ranking order which shall be recommended to the supervisor.

- 3) The DORS Supervisor of Management, Training and Personnel will make the final placement decision based upon the information submitted pursuant to (d)(1) with due consideration of the Selection Committee's active participation and recommendation.
 - 4) Meetings will be called by mutual agreement of the DORS Supervisor of Management, Training and Personnel, and the Chairman of the Transfer and Promotion Committee. Meetings of the Selection Committee will be held at least on a monthly basis, contingent on bids being closed by the end of each month. These meetings are to be held within a ten-day period after those closures.
 - 5) The minutes of the proceedings of the Selection Committee shall be confidential (89 Ill. Adm. Code 505), filed in a separate file, to be handled in the same manner as personnel files.
- e) The evaluation shall include an assessment of the following criteria, which are not in any prioritized order.
- 1) Mechanical Aptitude - the vendor's ability to operate the equipment at the location;
 - 2) Employee Management Skills - the vendor's ability to supervise employees or proven leadership abilities, for example, in professional or civic groups;
 - 3) Organizational Skills - the vendor's ability to plan, implement, and complete vending facility functions;
 - 4) Customer Relations - the vendor's ability to relate to and communicate with customers in a positive manner;
 - 5) Physical Stamina - the vendor's ability to meet the physical demands of the location;

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED REPEALER

- 6) Orientation and Mobility Skills - the vendor's ability to move about and function in the vending stand location;
 - 7) Use of good business practices relating to promotion and transfer, set forth in Section 650.1000(a),(c),(d),(e),(f),(h),(i),(n),(o),(p),(q), and (r);
 - 8) Attitude toward supervision - the vendor's ability to accept business counseling;
 - 9) Compliance with vendor agreement - the consistency with which the vendor complies with the conditions contained in the vendor agreement;
 - 10) Employee Replacement - the ability of the vendor to locate and utilize temporary employees when necessary;
 - 11) Handling Equipment Problems - the ability of the vendor to correct equipment failures;
 - 12) Reliability - the extent to which the vendor carries out his or her vending stand responsibilities, as set forth in Part 650;
 - 13) Attendance - the vendor's consistency in notifying the business counselor or the Supervisor of Management, Training and Personnel of an absence of more than 1 day from the location;
 - 14) Maintenance of Location Manual - The Blind Vendor shall maintain a location manual at the location; and
 - 15) kinds of locations at which the vendor has worked.
- f) The open location shall be awarded to the bidder who is most qualified based upon the evaluation as described in subsection (d).
- g) When more than one bidder is equally qualified, the seniority (i.e., the length of time since a vendor has first been assigned a location) of these bidders shall be the determining factor in the awarding of the open location.

DEPARTMENT OF REHABILITATION SERVICES

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED REPEALER

NOTICE OF PROPOSED REPEALER

h) When all things are equal, including seniority, a licensed vendor who is not currently operating a location will receive priority.

i) Any bidder who is dissatisfied by the decision made as to the awarding of the open location may appeal such decision per the grievance procedures contained in Section 650.80.

Section 650.700 Vending Facilities in Rest Areas

a) Vendors located in rest areas in accordance with 92 Ill. Adm. Code 534 shall be responsible for utility costs associated with the business. These utility costs shall be considered a business expense of the facility.

b) The vendor is responsible for maintaining security within his or her own vending facility (e.g., such as securely locking vending machines).

c) The vendor is responsible for providing liability insurance protection in the following minimum amounts: public liability \$500,000/1 million, property damage \$50,000/100,000 and food products liability \$500,000/1 million.

d) It is the responsibility of the vendor to maintain customer complaint/refund cards in an easily accessible area for customer use. These cards shall be furnished to the vendors by the Department of Rehabilitation Services (DORS). These cards shall be sent to DORS by the customer at an address specified by DORS on the card. DORS shall contact the vendors who are responsible for refunding the money to the customer.

e) Whenever complaints having to do with the quality of services or goods, the activities of the vendor or return of lost monies at rest areas are made to DORS from vending customers at a vending site and the complaints exceed one per day, the vendor shall make improvements in vending operations to reduce complaints to below the occurrence of one per day.

Section 650.1000 Business Practices

Blind vendors shall be required to follow business practices as set forth in this Section. Failure to comply with these business practices shall result in the application of disciplinary action as contained within Section 650.70.

a) All Vending Stand Program forms prescribed by the Department for record keeping purposes shall be accurately completed and/or maintained and submitted to the nominee agency within the following prescribed time frames:

- 1) Weekly envelopes - noon on the following Wednesday,
- 2) Daily journals - daily,
- 3) Vending cash out sheets - weekly,
- 4) Time Sheets - noon on the following Tuesday,
- 5) Repair forms - as needed,
- 6) Service invoices - as needed.

b) Cafeteria operations must incorporate cycle menus and meet any stipulations in the location contract or permit which specifies menu selections. (See Section 650.20(d)(3))

c) The blind vendor shall adhere to all applicable state, county, and local health codes as promulgated pursuant to Ill. Rev. Stat. 1983, ch. 56 1/2, par. 67 et seq. and ch. 34, par. 439 and Department of Public Health Regulations 77 Ill. Adm. Code 743 (Sanitary Vending of Food and Beverages), 750 (Food Service Sanitation), and 760 (Sanitation of Retail Food Stores) regarding personal hygiene and ensure that the location's employees do likewise. Clean uniforms shall be worn in all locations. These uniforms shall be purchased by either the blind vendor and may at the vendor's option be charged as a location expense or by the employee. Uniforms must be approved by the Director of Operations of the nominee agency. The name of the vendor of the uniforms must be contained within the location manual.

d) Smoking, drinking, and eating by the blind vendor and employees will be allowed only during break times established by the vendor and stated in the location

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED REPEALER

manual, and only in areas designated by the vendor in conformance with the location contract or permit and Department of Public Health Regulations 77 Ill. Adm. Code 743.90 and 750.530.

e) The vending facility location's sanitation must be maintained to meet all applicable state, county, and local health regulations promulgated pursuant to Ill. Rev. Stat. 1983, ch. 56 1/2, pars. 67 et seq. and ch. 34, par. 439. To ensure a sanitation schedule compliance with these regulations a sanitation schedule shall be established by the blind vendor and business counselor. This schedule shall be kept in the location manual and complied with by the blind vendor.

f) Procedures established by the blind vendor and the business counselor to ensure correct charges by the purveyors shall be contained within the location manual and adhered to and implemented by the blind vendor. These procedures are:

- 1) checking incoming billings against orders,
- 2) checking purveyor's prices against the purveyor's price list, and
- 3) other procedures necessary for ensuring correct charges for goods ordered.

g) All blind vendors shall use convenience (i.e., pre-packaged prepared) foods when they are available to the vendor from purveyors and when the location has the appropriate equipment (e.g., microwave ovens) to provide convenience foods.

h) The blind vendor will maintain up to date records of product cost, complete product mixes and up to date records of product price. Prices charged for products will be in accordance with the location contract or permit. An up-to-date inventory or price list will be placed in the location manual. The business counselor will be informed of price changes immediately after they are made.

i) 1) All purchases will be made "cash on delivery", unless special exception is approved by the Visually Handicapped Managers of Illinois, Inc. (VHMI) to accommodate:

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED REPEALER

A) large orders for which insufficient cash is available,

B) delivery schedules of purveyors,

C) billings for periodicals, and

D) any purchases which cannot be paid for "cash on delivery."

2) Such exceptions will be noted in the location manual.

j) The blind vendor shall maintain a complete and current location manual at the location.

k) A manager must inform an employee of the insurance options available to them through the nominee agency within 30 days from the first day of employment. If the employee waives the insurance option, a waiver to that effect must be signed by the employee and copies placed in the location manual and sent to the office of the nominee agency.

l) The blind vendors will purchase products from purveyors approved by the Volume Buying Committee of VHMI unless exception is granted to a specific blind vendor by the Volume Buying Committee based upon evidence that approved purveyors are not available to service that blind vendor.

m) Permanent signs used for display and informational purposes shall be obtained from a professional sign maker. Temporary signs that are clean and legible will be used up to 3 days for short term emergencies when no permanent sign can be used.

n) The blind vendor shall be responsible for all personnel actions at the location. These actions are:

- 1) hiring,
- 2) dismissal,
- 3) promotion,
- 4) day to day supervision, and

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED REPEALER

5) benefits.

o) The blind vendor shall maintain the location contract or permit and addendums in the location manual and shall adhere to all stipulations contained in the location contract or permit and its addendums (e.g., hours of operation, price constraints, menu selection).

p) Possession or consumption of alcoholic beverages or illicit drugs by a blind vendor or stand employee on location or reporting to work under the influence is not permitted.

q) No vending facility location money shall be removed from the location for personal use.

r) In program locations having cash registers, all sales must be recorded on the cash register at time of purchase.

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED REPEALER

SECTION 650.APPENDIX B Approved Purveyor

Eby Brown

DEPARTMENT OF CORRECTIONS
NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Personal Property
- 2) Code Citation: 20 Ill. Adm. Code 535
- 3) Section Numbers: Adopted Action:
- | | |
|---------|-------|
| 535.10 | Amend |
| 535.12 | Add |
| 535.15 | Add |
| 535.17 | Add |
| 535.20 | Amend |
| 535.30 | Amend |
| 535.40 | Amend |
| 535.50 | Amend |
| 535.60 | Amend |
| 535.70 | Amend |
| 535.80 | Amend |
| 535.90 | Amend |
| 535.100 | Amend |
| 535.110 | Amend |
| 535.120 | Amend |
| 535.130 | Add |
| 535.140 | Add |

- 4) Statutory Authority: Implementing Section 3-4-3 and authorized by Sections 3-7-1 and 3-7-4 of the Unified Code of Corrections (Ill. Rev. Stat. 1987, ch. 38, pars. 1003-4-3, 1003-7-1 and 1003-7-4).

- 5) Effective Date of Rule(s) (Amendments, Repealer): May 1, 1990.

- 6) Does this rulemaking contain an automatic repeal date? ☒ Yes ☐ No

- 7) Does this rule (amendment, repealer) contain incorporations by reference? No.

- 8) Date Filed in Agency's Principal Office: April 10, 1990.

- 9) Notice(s) of Proposal Published in Illinois Register:

November 27, 1990 13 Ill. Reg. 18040
(issues date)

- 10) Has JCAR issued a Statement of Objections to this(these) rule(s)? No.

- 11) Difference(s) between proposal and final version: No substantive changes have been made; editorial changes were made at the request of the State Library.

DEPARTMENT OF CORRECTIONS
NOTICE OF ADOPTED AMENDMENTS

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? No changes were required.
- 13) Will this rule (amendment, repealer) replace an emergency rule (amendments, repealer) currently in effect? No.
- 14) Are there any amendments pending on this Part? No.
- 15) Summary and Purpose of Rule(s) (Amendments, Repealer): These amendments further clarify existing rules; provide greater control over committed persons' property; limit the Department's responsibility for committed persons' property; and provide procedures for disposing of unclaimed property in accordance with State statutes.

- 16) Information and questions regarding this adopted rule (amendment, repealer) shall be directed to:

Name: William H. Craine, Ph.D., Deputy Director
Address: Department of Corrections
1301 Concordia Court
P. O. Box 19277
Springfield, Illinois 62794-9277
Telephone: 217/522-2666

The full text of the Adopted Rule(s) (Amendments) begins on the next page:

DEPARTMENT OF CORRECTIONS

NOTICE OF ADOPTED AMENDMENTS

TITLE 20: CORRECTIONS, CRIMINAL JUSTICE, AND LAW ENFORCEMENT
CHAPTER 1: DEPARTMENT OF CORRECTIONS
SUBCHAPTER e: OPERATIONS

PART 535
PERSONAL PROPERTY

Section	
535.10	Applicability
535.12	Definitions
535.15	Responsibilities
535.17	Personal Property
535.20	Permit
535.30	Audio-Visual Equipment
535.40	Reading Material
535.50	Commissary Items and Outside Vendor Purchases
535.60	Jewelry
535.70	Clothing and Other Property
535.80	Procedure for New Admissions
535.90	Procedure for Institutional Transfers
535.100	Procedure for Temporary Absence
535.110	Procedure for Parole or Discharge
535.120	Disposal of Permitted Personal Property Items
535.130	Security of Personal Property
535.140	Unclaimed Personal Property

AUTHORITY: Implementing Section 3-4-3 and authorized by Sections 3-7-1 and 3-7-4 of the Unified Code of Corrections (Ill. Rev. Stat. 1987, 6h ch. 38, pars. 1003-4-3, 1003-7-1 and 1003-7-4).

SOURCE: Adopted at 8 Ill. Reg. 14543, effective August 1, 1984; amended at 14 Ill. Reg. 6765, effective May 1, 1990.

Section 535.10 Applicability

This Part applies to the Adult, Juvenile and Community Services Divisions of the Department of Corrections.

(Source: Amended at 14 Ill. Reg. 6765, effective May 1, 1990)

Section 535.12 Definitions

"Chief Administrative Officer" means the highest ranking official of a correctional facility.

"Department" means the Department of Corrections.

"Director" means the Director of the Department of Corrections.

DEPARTMENT OF CORRECTIONS

NOTICE OF ADOPTED AMENDMENTS

"Post/posted" means any means of making information available to committed persons including, but not limited to, notices, handbooks, and bulletins.

(Source: Added at 14 Ill. Reg. 6765, effective May 1, 1990)

Section 535.15 Responsibilities

a) Unless otherwise specified, the Director or Chief Administrative Officer may delegate responsibilities stated in this Part to another person or persons or designate another person or persons to perform the duties specified.

b) No other individual may routinely perform duties whenever a rule in this Part specifically states the Director or Chief Administrative Officer shall personally perform the duties. However, the Director or Chief Administrative Officer may designate another person or persons to perform the duties during periods of his temporary absence or in an emergency.

(Source: Added at 14 Ill. Reg. 6765, effective May 1, 1990)

Section 535.17 Personal Property

Committed persons may only acquire personal property in accordance with provisions of this Part, 20 Ill. Adm. Code 525, or posted rules established by the Chief Administrative Officer where the committed person is assigned.

(Source: Added at 14 Ill. Reg. 6765, effective May 1, 1990)

Section 535.20 Permit

A permit for personal property items may be required by the committed person's assigned facility. The Chief Administrative Officer of the assigned facility may require committed persons to obtain a permit for certain personal property items. Permit requirements shall be posted.

(Source: Amended at 14 Ill. Reg. 6765, effective May 1, 1990)

Section 535.30 Audio-Visual Equipment

a) Each facility shall develop and post a list of authorized audio-visual equipment each committed person assigned to the general population may be permitted to retain. Detachable speakers shall not be permitted except at community correctional centers as approved by the Chief Administrative Officer.

DEPARTMENT OF CORRECTIONS

NOTICE OF ADOPTED AMENDMENTS

- b) Use of headphones or earplugs shall be at the discretion of the Chief Administrative Officer or his designee.
- c) Misuse or abuse of audio-visual equipment may result in the temporary or permanent confiscation of these items in accordance with the provisions of 20 Ill. Adm. Code 504.
- d) Limitations of the use of audio-visual equipment may be imposed on committed persons if the usage is disruptive to others.
- e) Committed persons may not possess recording devices as personal property except at community correctional centers, but may use them on location when required in academic or vocational programs and where such use is approved by the facility and in such place and manner as is approved by the facility.
- f) A committed person placed in segregation shall be denied the privilege of possessing all audio-visual equipment until he is released from segregation or has his privileges restored in accordance with 20 Ill. Adm. Code 504. His items will be returned when he signs a receipt for them.
- g) Any committed person in segregation for more than 60 consecutive days on the same rule infraction may submit a written request to the Chief Administrative Officer or his designee for restoration of his audio-visual privileges. The request shall be considered only if the individual has had no disciplinary infractions in the 60-day period prior to the submission of his request.
- h) Any committed person in segregation who has had audio-visual privileges restored may lose them again for a subsequent disciplinary infraction.
- i) Any adult committed person who is placed in confinement pending investigation or disposition of a disciplinary infraction or who is confined for non-disciplinary reasons shall be allowed the same audio-visual privileges he had prior to being placed on such status.
- j) When audio-visual equipment is confiscated or returned, an audio visual equipment inventory form shall be given to the owner and a copy placed in his master record file. If the committed person does not have the proper permit, disciplinary action may be taken.

(Source: Amended at 14 Ill. Reg. 6765, effective May 1, 1990)

Section 535.40 Reading Material

DEPARTMENT OF CORRECTIONS

NOTICE OF ADOPTED AMENDMENTS

- a) Each facility shall develop and post a list of the amount of reading material each committed person may be permitted to possess at any one time.
- b) The quantity of other reading materials may be limited by the Chief Administrative Officer or his designee consistent with reasonable safety and security concerns which may include, among other matters, impairment of visual observation or search of the living area.

(Source: Amended at 14 Ill. Reg. 6765, effective May 1, 1990)

Section 535.50 Commissary Items and Outside Vendor Purchases

All personal property purchases shall be made through the commissary, where possible. Outside vendor purchases shall be approved by and made through the facility, and such purchases shall be limited to items which are not available through the commissary. No outside vendor purchases shall be allowed for the same or similar items available in the commissary without the approval of the Chief Administrative Officer. The quantity of commissary such items which a committed person retains may retain shall be limited by the Chief Administrative Officer or his designee and shall be posted.

(Source: Amended at 14 Ill. Reg. 6765, effective May 1, 1990)

Section 535.60 Jewelry

A committed person may possess jewelry and shall be required to sign a statement of responsibility for such jewelry. Limits on the amount, nature or value of jewelry may shall be set by the Chief Administrative Officer or his designee and shall be posted.

(Source: Amended at 14 Ill. Reg. 6765, effective May 1, 1990)

Section 535.70 Clothing and Other Property

The quantity of clothing and other property may be limited by the Chief Administrative Officer or his designee consistent with reasonable safety and security concerns which may include, among other matters, impairment of visual observation or search of the living area. Institutional policies regarding clothing and other property shall be posted.

(Source: Amended at 14 Ill. Reg. 6765, effective May 1, 1990)

Section 535.80 Procedure for New Admissions

DEPARTMENT OF CORRECTIONS

NOTICE OF ADOPTED AMENDMENTS

a) All sheriffs shall be supplied with a list of approved personal property items. Only the approved items will be accepted by the Department upon admission of the committed person.

1) Non-approved items shall be receipted and returned to the sheriff prior to his departure from the facility, when possible; or

2) The committed person shall be requested to authorize the disposition of any unapproved property, in writing, in accordance with 20 Ill. Adm. Code 501.230.

b) An inventory shall be conducted in the presence of the committed person; and he The committed person shall be given a copy of the inventory record and a copy shall be placed in the committed person's master record file.

c) The Chief Administrative Officer or his designee shall determine what personal property shall be marked to denote ownership.

d)---If the sheriff has departed before the inventory is completed; the committed person shall be asked to sign a form authorizing:

1)---Use of personal funds; if available; to forward non-approved items to a designated person; and/or

2)---Destruction of certain non-approved items.

e)---If the committed person is without funds; the non-approved items may be:

1)---Stored for him at the facility until such time as he is transferred or released on parole; or

2)---Forwarded to a designated person at State expense.

(Source: Amended at 14 Ill. Reg. 6765, effective May 1, 1990)

Section 535.90 Procedure for Institutional Transfers

a) Intra-institutional Transfer

1) When a committed person's person's assignment to a cell, room, or dormitory is changed, the individual shall generally be responsible for identifying all personal property and; in the presence of an employee; packing it in the containers provided. Unless the committed person is in a single cell or

DEPARTMENT OF CORRECTIONS

NOTICE OF ADOPTED AMENDMENTS

room, the packing shall be done in the presence of an employee.

2) If the committed persons's person's behavior is threatening, violent, or dangerous, the transferring officer shall cause the committed person's personal property to be packed and inventoried in the presence of a witness, and

A) Property of adults which is allowed in the segregation or confinement area shall be forwarded to the individual in the segregation unit or other living area in which the individual is confined, whenever possible, prior to the end of the shift on which the transfer was made.

B) Property of juveniles and adult property that is not allowed in the segregation or confinement area shall be secured until such time as the committed person is released from confinement.

C) The inventory form shall be signed by the transporting packing officer and the witness. A copy of the inventory form shall be placed in the personal property container, and the container shall be taped shut sealed before being transported to the new location. A copy of the inventory shall be given to the committed person; a copy shall be placed in the committed person's master record file; and a copy shall be maintained by the facility in the personal property files. in the presence of an employee; and the committed person and the employee shall sign the receipt.

b) Inter-institutional Transfers

1) It is the responsibility of the sending facility to inform the committed person of personal property items which are not approved at the receiving facility.

2) Prior to transfer, the committed person shall pack items acceptable to the receiving facility in approved containers and non-approved items in another container, taking an inventory of the items in each. Inventory and packing shall be made in the presence of an employee. Upon completion, a copy of the inventory record for approved property shall be placed in the approved container and the container shall be sealed.

3) Non-approved items shall be disposed of in accordance with

DEPARTMENT OF CORRECTIONS

NOTICE OF ADOPTED AMENDMENTS

Paragraph (d) or (e) of Section 535-88 the procedures established in 20 Ill. Adm. Code 501.230 prior to the transfer, whenever possible.

- 4) A copy of the inventory record for approved property shall be given to the committed person; a copy shall be placed in the committed person's master record file; and a copy shall be retained by the sending facility in the personal property files.
- 5) At the time of repossession, the sealed container shall be opened in the presence of an employee, and the contents listed on the committed person's inventory record shall be checked against the one sealed in the box. Any discrepancies shall be noted, and the employee and committed person shall sign the inventory form. A copy of the inventory shall be maintained by the receiving facility in the personal property files and in the committed person's master record file.

(Source: Amended at 14 Ill. Reg. 6765, effective May 1, 1990)

Section 535.100 Procedure for Temporary Absence

If a temporary absence is expected to be one day or less, the committed person's personal property need not be inventoried and packed, unless the committed person so requests. The following procedures shall be implemented when the committed person so requests, the absence is expected to exceed one day, or it becomes known that the absence will exceed one day.

- a) Before a temporary absence of more than one day or when the presence of an employee, inventory and pack personal property in the containers provided.
- 1) A copy of the inventory shall be placed in the container, and the container shall be sealed.
- 2) A copy of the inventory form shall be given to the committed person; and a copy shall be filed in his the committed person's master record file; and a copy shall be maintained by the facility in the personal property files.
- b) In an emergency or when it becomes known that an anticipated absence will exceed one day, it shall be the responsibility of the shift commander to ensure that, before the end of the shift, an accurate inventory, preferably with a witness, is made of the committed person's personal property; that it is packed in an

DEPARTMENT OF CORRECTIONS

NOTICE OF ADOPTED AMENDMENTS

approved container and sealed with a copy of the inventory enclosed; and that it is stored in a designated secure area.

- 1) The shift commander or designee, the person making the inventory and packing the personal property, and the witness, if any, shall sign the inventory form.
- 2) A copy of the inventory form shall be placed in the committed person's master record file, and a copy shall be forwarded to him the committed person; and a copy shall be maintained by the facility in the personal property files.
- c) At the time of repossession, the sealed container must be opened in the presence of an employee, and the contents listed on the committed person's inventory slip checked against the one sealed in the box. Any discrepancies shall be noted, and the employee and committed person shall sign the inventory report. A copy of the inventory shall be maintained by the facility in the personal property files and in the committed person's master record file.
- d) For purposes of this Section, personal property of a single-celled committed person may be locked in the cell rather than placed in a container. All other provisions of this Section shall apply.

(Source: Amended at 14 Ill. Reg. 6765, effective May 1, 1990)

Section 535.110 Procedure for Parole or Discharge

- a) Prior to release on parole or discharge, it is the committed person's responsibility to pack personal property in containers provided and transport them to a designated storage area, under the supervision of a correctional employee.
- b) Personal property sent out prior to the release date must be inventoried; the inventory form must be signed by the witnessing correctional employee and the committed person; and the personal property must be sealed in the container provided, with a copy of the inventory enclosed. A copy of the inventory shall be given to the committed person and a copy shall be placed in the committed person's master record file and a copy shall be retained in the facility's personal property files.
- c) Personal property given to a third party for transport must be receipted by the person receiving it and a copy shall be placed in the committed person's master record file and a copy shall be maintained in the facility's personal property files.

(Source: Amended at 14 Ill. Reg. 6765, effective May 1, 1990)

DEPARTMENT OF CORRECTIONS

NOTICE OF ADOPTED AMENDMENTS

Section 535.120 Disposal of Permitted Personal Property Items

- a) Committed persons shall not give, loan, sell or trade personal property items to other committed persons, except where authorized by this Part. When a committed person wishes to dispose of a permitted item by sending it out of the facility; selling it; giving it to another individual with approval by the Chief Administrative Officer; or authorizing its destruction; a signed record must be filed in the committed person's master file and a copy of the record shall be maintained by the facility in the personal property files.
- b) The ownership of permitted an allowable property item may not be transferred from one committed person to another while the owner is assigned to a correctional facility.
- c) When a committed person wishes to dispose of an allowable property item by sending it out of the facility, selling it, donating it, giving it to a relative or guardian with approval by the Chief Administrative Officer, or authorizing its destruction, a signed record shall be filed in the committed person's master record file and a copy of the record shall be maintained by the facility in the personal property files.

(Source: Amended at 14 Ill. Reg. 6765, effective May 1, 1990)

Section 535.130 Security of Personal Property

- a) Committed persons shall be responsible for their personal property which is in their possession or under their control, i.e., on their person or in their cell, living area or work area.
- b) Committed persons shall be responsible for maintaining a copy of inventories, permits and/or receipts issued for their personal property.
- c) Committed persons' personal property shall be deemed abandoned in the event of an unauthorized absence such as an escape, runaway, attempted escape or runaway, or failure to return to the facility.
- d) The Department shall not be responsible for loss of abandoned property or for any items for which the committed person does not have an inventory record, a permit and/or receipt, or which would have been subject to an inventory but does not appear itemized on the inventory.

(Source: Added at 14 Ill. Reg. 6765, effective May 1, 1990)

DEPARTMENT OF CORRECTIONS

NOTICE OF ADOPTED AMENDMENTS

Section 535.140 Unclaimed Personal Property

Money or personal property held for a committed person who has separated from the Department by death, discharge, or unauthorized absence and which has not been claimed by the committed person or his legal representative may be disposed of as follows:

- a) Unclaimed money held for a period of one year may be transferred to the Inmate Benefit Fund and be expended for the special benefit of committed persons.
- b) Unclaimed clothing held for 30 days may be used or disposed of as determined appropriate by the Chief Administrative Officer.
- c) Other unclaimed personal property held for a period of one year may be used for the benefit of committed persons as determined appropriate by the Chief Administrative Officer.

(Source: Added at 14 Ill. Reg. 6765, effective May 1, 1990)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: EFFLUENT STANDARDS
- 2) Code Citation: 35 Ill. Adm. Code 304
- 3) Section Numbers: Adopted Action:
304.123 Amended
- 4) Statutory Authority: Ill. Rev. Stat. 1987, ch. 111 1/2, pars. 1013 and 1027.
- 5) Effective Date of Amendments: April 24, 1990
- 6) Does this rulemaking contain an automatic repeal date? No.
- 7) Do these amendments contain incorporations by reference? No.
- 8) Date filed in Board's Principal Office: Order adopted April 12, 1990.
- 9) Notice of Proposal Published in Illinois Register:
June 16, 1989, 13 Ill. Reg. 9204
- 10) Has JCAR issued a Statement of Objections to these rules? No.

The Board proposed this rule for Second Notice on September 13, 1989. The Board then sent the Second Notice package to JCAR on March 14, 1990 and received the Certificate of No Objection on April 10, 1990.
- 11) Differences between proposal and final version:

The prohibitions of proposed subsections (b) and (c) were combined into adopted subsection (b), with modification. New language in adopted subsection (b) makes it clear that discharges into any side-channel reservoir, or any portion thereof, is included in the general prohibition. The "less than three percent of the phosphorus loading" exception for discharges more than 25 miles upstream from where a tributary enters a lake or reservoir was deleted. Adopted subsection (c) specify the essential elements for justifying relief from the phosphorus standard in an adjusted standard proceeding. Adopted subsection (f) includes definitions of terms used in this section. The Board made numerous format and typographical corrections to comport with Illinois Administrative Code format requirements.
- 12) Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreement letter issued by JCAR?

No agreements between the Pollution Control Board and Joint Committee were necessary to resolve Joint Committee questions.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 13) Will these amendments replace an emergency amendment currently in effect? No.

- 14) Are there any other amendments pending on this Part? Yes.

Section Numbers	Proposed Action	Illinois Register Citation
304.217	new section	June 23, 1989, 13 Ill. Reg. 9421
304.218	new section	June 30, 1989, 13 Ill. Reg. 9656
304.221	new section	November 17, 1989, 13 Ill. Reg. 17633
304.221	new section	December 29, 1989, 13 Ill. Reg. 20230
304.211	new section	March 2, 1990, 14 Ill. Reg. 2999

- 15) Summary and Purpose of amendments:

A complete description is contained in the Board's Opinion and Order of April 12, 1990 in R87-6, which Opinion and Order is available from the address below.

The regulations, as finally adopted, limit point source phosphorus effluent discharges to 1.0 milligrams per liter (mg/l) when the discharge is into a lake or reservoir (or an adjoining tributary) with a surface area of 8.1 hectares or more and when the untreated waste load is 2500 or more population equivalents and does not use a third-stage lagoon treatment system. The regulation will not apply, however, where the receiving lake or reservoir, including any side-channel reservoir or other portion, exhibits a mean hydraulic retention time (on an annual basis) of 0.05 years (18 days) or less.

The regulations also specify the essential elements for justifying relief from the phosphorus standard in an adjusted standard proceeding. Included are special justification provisions that apply to point source dischargers that are 25 miles or more upstream from the receiving lake or reservoir. They require applicants to demonstrate, based on lake and watershed-specific factors, that the effluent phosphorus will not contribute to man-made eutrophication of the lake or reservoir.

- 16) Information and questions regarding these adopted amendments shall be directed to:

Deborah A. Stonich
Attorney
Illinois Pollution Control Board
100 W. Randolph 11-500
Chicago, IL 60610

The full text of the adopted amendments begins on the next page:

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE C: WATER POLLUTION
CHAPTER I: POLLUTION CONTROL BOARD

PART 304

EFFLUENT STANDARDS

SUBPART A: GENERAL EFFLUENT STANDARDS

Section
304.101
304.102
304.103
304.104
304.105
304.106
304.120
304.121
304.122
304.123
304.124
304.125
304.126
304.140
304.141
304.142

Preamble
Dilution
Background Concentrations
Averaging
Violation of Water Quality Standards
Offensive Discharges
Deoxygenating Wastes
Bacteria
Nitrogen (STORET number 00610)
Phosphorus (STORET number 00665)
Additional Contaminants
pH
Mercury
Delays in Upgrading (Repealed)
NPDES Effluent Standards
New Source Performance Standards (Repealed)

SUBPART B: SITE SPECIFIC RULES AND EXCEPTIONS
NOT OF GENERAL APPLICABILITY

Section
304.201

304.202
304.203
304.204
304.205
304.206
304.207
304.208
304.209
304.210
304.212
304.213
304.214
304.215
304.216
304.219
304.220

Wastewater Treatment Plant Discharges of the Metropolitan Sanitary District of Greater Chicago
Chlor-alkali Mercury Discharges in St. Clair County
Copper Discharges by Olin Corporation
Schoenberger Creek: Groundwater Discharges
John Deere Foundry Discharges
Alton Water Company Treatment Plant Discharges
Galesburg Sanitary District Deoxygenating Wastes Discharges
City of Lockport Treatment Plant Discharges
Wood River Station Total Suspended Solids Discharges
Alton Wastewater Treatment Plant Discharges
Sanitary District of Decatur Discharges
Union Oil Refinery Ammonia Discharge
Mobil Oil Refinery Ammonia Discharge
City of Tuscola Wastewater Treatment Facility Discharges
Newton Station Suspended Solids Discharges
North Shore Sanitary District Phosphorus Discharges
East St. Louis Treatment Facility, Illinois-American Water Company

SUBPART C: TEMPORARY EFFLUENT STANDARDS

- Section
304.301 Exception for Ammonia Nitrogen Water Quality Violations
304.302 City of Joliet East Side Wastewater Treatment Plant

APPENDIX A References to Previous Rules

AUTHORITY: Implementing Section 13 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1987, ch. 111 1/2 pars. 1013 and 1027).

SOURCE: Filed with the Secretary of State January 1, 1978; amended at 2 Ill. Reg. 30, p. 343, effective July 27, 1978; amended at 2 Ill. Reg. 44, p. 151, effective November 2, 1978; amended at 3 Ill. Reg. 20, p. 95, effective May 17, 1979; amended at 3 Ill. Reg. 25, p. 190, effective June 21, 1979; amended at 4 Ill. Reg. 20, p. 53, effective May 7, 1980; amended at 6 Ill. Reg. 563, effective December 24, 1981; codified at 6 Ill. Reg. 7818; amended at 6 Ill. Reg. 11161, effective September 7, 1982; amended at 6 Ill. Reg. 13750, effective October 26, 1982; amended at 7 Ill. Reg. 3020, effective March 4, 1983; amended at 7 Ill. Reg. 8111, effective June 23, 1983; amended at 7 Ill. Reg. 14515, effective October 14, 1983; amended at 7 Ill. Reg. 14910, effective November 14, 1983; amended at 8 Ill. Reg. 1600, effective January 18, 1984; amended at 8 Ill. Reg. 3687, effective March 14, 1984; amended at 8 Ill. Reg. 8237, effective June 8, 1984; amended at 9 Ill. Reg. 1379, effective January 21, 1985; amended at 9 Ill. Reg. 4510, effective March 22, 1985; peremptory amendment at 10 Ill. Reg. 456, effective December 23, 1985; amended at 11 Ill. Reg. 3117, effective January 28, 1987; amended in R84-13 at 11 Ill. Reg. 7291, effective April 3, 1987; amended in R86-17(A) at 11 Ill. Reg. 14748, effective August 24, 1987; amended in R84-16 at 12 Ill. Reg. 2445, effective January 15, 1988; amended in R83-23 at 12 Ill. Reg. 8658, effective May 10, 1988; amended in R87-27 at 12 Ill. Reg. 9905, effective May 27, 1988; amended in R82-7 at 12 Ill. Reg. 10712, effective June 9, 1988; amended in R85-29 at 12 Ill. Reg. 12064, effective July 12, 1988; amended in R87-22 at 12 Ill. Reg. 13966, effective August 23, 1988; amended in R86-3 at 12 Ill. Reg. 20126, effective November 16, 1988; amended in R84-20 at 13 Ill. Reg. 851, effective January 9, 1989; amended in R85-11 at 13 Ill. Reg. 2060, effective February 6, 1989; amended in R88-1 at 13 Ill. Reg. 5976, effective April 18, 1989; amended in R86-17B at 13 Ill. Reg. 7754, effective May 4, 1989; amended in R88-22 at 13 Ill. Reg. 8880, effective May 26, 1989; amended in R87-6 at 14 Ill. Reg. 6777, effective April 24, 1990.

SUBPART A: GENERAL EFFLUENT STANDARDS

- Section 304.123 Phosphorus (STORET number 00665)

- a) No effluent discharge within the Lake Michigan Basin shall contain more than 1.0 mg/l of phosphorus as P.

- b) ~~No effluent from any source which discharges within the Fox River Basin above and including Pistakee Lake and whose untreated waste load is 1500 or more population equivalents shall contain more than 1.0 mg/l of phosphorus as P.~~
- c) ~~No effluent from any source which discharges to a lake or reservoir with a surface area of 8.1 ha (20 acres) or more or to any tributary to such a lake or reservoir and whose untreated waste load is 5000 or more population equivalents shall contain more than 1.0 mg/l of phosphorus as P.~~
- d) ~~No effluent from any source which discharges to a lake or reservoir with a surface area of 8.1 ha (20 acres) or more which does not comply with Section 304.205 or to any tributary to such a lake or reservoir and whose untreated waste load is 1500 or more population equivalents and which is not governed by Sections 304.120(a) or 304.120(c) shall contain more than 1.0 mg/l of phosphorus as P.~~
- b1) ~~No effluent from any source which discharges to a lake or reservoir with a surface area of 8.1 hectares (20 acres) or more, or to any tributary of such a lake or reservoir whose untreated waste load is 2500 or more population equivalents, and which does not utilize a third-stage lagoon treatment system as specified in Section 304.120(a) and (c), shall exceed 1.0 mg/l of phosphorus as P; however, this subsection shall not apply where the lake or reservoir, including any side channel reservoir or other portion thereof, on an annual basis exhibits a mean hydraulic retention time of 0.05 years (18 days) or less.~~

- c1) Pursuant to Section 28.1 of the Act, the owner or operator of any source subject to subsection (b) may apply for an adjusted standard. In addition to the proofs specified in Section 28.1(c) of the Act, such application shall, at a minimum, contain adequate proof that the effluent resulting from grant of the adjusted standard will not contribute to cultural eutrophication, unnatural plant or algal growth or dissolved oxygen deficiencies in the receiving lake or reservoir. For purposes of this subsection, such effluent shall be deemed to contribute to such conditions if phosphorus is the limiting nutrient for biological growth in the lake or reservoir, taking into account the lake or reservoir limnology, morphological, physical and chemical characteristics, and sediment transport. However, if the effluent discharge enters a tributary at least 40.25 kilometers (25 miles) upstream of the point at which the tributary enters the lake or reservoir at normal pool level, such effluent shall not be deemed to contribute to such conditions if the receiving lake or reservoir is eutrophic

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

and phosphorus from internal regeneration is not a limiting nutrient.

ed) For the purposes of this Section the term "lake or reservoir" shall not include low level pools constructed in free flowing streams or any body of water which is an integral part of an operation which includes the application of sludge on land.

f) ~~Compliance with the limitations of paragraph (c) shall be achieved by the following dates:~~

1) ~~New sources shall comply on the effective date of this regulation, and~~

2) ~~Existing sources shall comply by December 31, 1980, or such other date as required by NPDES permit, or as ordered by the Board under Title VIII or Title IX of the Act.~~

g) ~~Compliance with the limitations of paragraph (d) shall be achieved by December 31, 1985, or such other date as required by NPDES permit, or as ordered by the Board under Title VIII or Title IX of the Act.~~

e) Compliance with the limitations of subsection (b) shall be achieved by the following dates:

1) Sources with the present capability to comply shall do so on the effective date of this Section;

2) All other sources shall comply as required by NPDES permit.

f) For purposes of this Section, the following terms shall have the meanings specified:

1) "Dissolved oxygen deficiencies" means the occurrence of a violation of the dissolved oxygen standard applicable to a lake or reservoir.

(BOARD NOTE: Dissolved Oxygen standards for general use waters are set forth at 35 Ill. Adm. Code 302.206; Dissolved Oxygen standards for secondary contact or indigenous aquatic life waters are set forth at 35 Ill. Adm. Code 302.405.)

2) "Euphotic zone" means that region of a lake or reservoir extending from the water surface to a depth at which 99% of the surface light has disappeared or such lesser depth below which photosynthesis does not occur.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

3) "Eutrophic" means a condition of a lake or reservoir in which there is an abundant supply of nutrients, including phosphorus, accounting for a high concentration of biomass.

4) "Eutrophication" means the process of increasing or accumulating plant nutrients in the water of a lake or reservoir. Cultural eutrophication is eutrophication attributable to human activities.

5) "Internal regeneration" means the process of conversion of phosphorus or other nutrients in sediments of a lake or reservoir from the particulate to the dissolved form and the subsequent return of such dissolved forms to the euphotic zone.

6) "Limiting nutrient" means a substance which is limiting to biological growth in a lake or reservoir due to its short supply or unavailability with respect to other substances necessary for the growth of organisms.

7) "Unnatural plant or algal growth" means the occurrence of a violation of the unnatural sludge standard applicable to a lake or reservoir with respect to such growth.

(BOARD NOTE: Unnatural sludge standards for general use waters are set forth at 35 Ill. Adm. Code 302.203; unnatural sludge standards for secondary and indigenous aquatic life waters are set forth at 35 Ill. Adm. Code 302.403.)

(Source: Amended in R87-6 at 14 Ill. Reg. 6777, effective Apr. 24, 1990)

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Medical, Psychological, and Related Services
- 2) Code Citation: 89 Ill. Adm. Code 587
- 3) Section Numbers:
- | | |
|---------|-------------|
| 587.50 | amendment |
| 587.70 | new section |
| 587.100 | repealed |
| 587.600 | amendment |
- Adopted Action:
- 4) Statutory Authority: Implementing and authorized by Sections 3(a), (b), and (k) of "AN ACT in relation to rehabilitation of persons with one or more disabilities" (Ill. Rev. Stat. 1988 Supp., ch. 23, pars. 3434(a), (b), and (k)).
- 5) Effective Date of Amendments: April 20, 1990
- 6) Does this rulemaking contain an automatic repeal date?
Yes ☒ No ☐
- 7) Does this amendment contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: April 20, 1990
- 9) Notice of Proposal Published in Illinois Register:
October 27, 1989, 13 Ill. Reg. 16719
(issue date)
- 10) Has JCAR Issued a Statement of Objections to this (these) Rule(s)? No If answer is "yes," please complete the following:
- A) Statement of Objection: (issue date) ' Ill. Reg. _____
- B) Agency Response: (issue date) ' Ill. Reg. _____
- C) Date Agency Response Submitted for Approval to JCAR:
- 11) Difference(s) between proposal and final version: Pursuant to the Administrative Code Division's comments, "Physician's Assistants" has been changed to "Physician Assistant" in Section 587.50.

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED AMENDMENTS

- A parenthetical was added to Section 587.50 following "licensed medical technicians" to clarify that "Registered Nurses licensed pursuant to the Illinois Nursing Act (Ill. Rev. Stat. 1987, ch. 111, pars 3401 et seq.)" are included as medical service providers. This addition was made as a result of comments received.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR?
Yes
- 13) Will this rule replace an Emergency Rule(s) currently in effect? No
- 14) Are there any amendments pending on this Part: No
- Section Numbers Proposed Action Illinois Register Citation
- 15) Summary and Purpose of Rule(s): Section 587.50 has been amended to add physician assistants, licensed pursuant to the Physician Assistant Practice Act, as medical service providers.
- Section 587.70 has been amended to promulgate DORS policy regarding payment for medications, which states that DORS may pay for medicine to cure or stabilize a condition, but cannot pay for ongoing treatments. Section 587.100 is being repealed to maintain consistency, as this is the only disability group requiring a specialist's examination, and in many cases is unnecessary.
- The amendment to 587.600 has been adopted to delete reference to organ transplants, as this is now approved by the Food and Drug Administration.
- 16) Information and answers to questions regarding this adopted rule shall be directed to:
- Ms. Leigh Reed
Regulations and Procedures Division
Department of Rehabilitation Services
P.O. Box 19429
Springfield, Illinois 62794-9429
Telephone number: (217) 785-3896
T.D.D.: (217) 782-5734
- The full text of Adopted Rule(s) begins on the next page:

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
(CHAPTER IV: DEPARTMENT OF REHABILITATION SERVICES
SUBCHAPTER b: VOCATIONAL REHABILITATION

PART 587
MEDICAL, PSYCHOLOGICAL, AND RELATED SERVICES

Section 587.10 General Applicability
587.20 Criteria for Medical Services
587.30 Exclusion from Medical Services
587.40 Written Recommendations from Physicians
587.50 Medical Service Providers
587.60 Treatment for Acute Conditions
587.70 Medication
587.100 Ear Examinations (Repealed)
587.110 Hearing Aid Evaluations
587.120 Binaural Hearing Aids
587.130 Speech and Language Services
587.200 Low Vision Aids
587.300 Mental Restoration Services
587.400 Heart Surgeries
587.410 Intestinal By-Pass or Stapling Surgery
587.420 Abortions
587.430 Transsexual Surgery
587.440 Organ Transplants
587.450 Chiropractic Services
587.500 Prosthetic or Orthotic Devices
587.510 Wheelchairs
587.600 Experimental Stage Therapeutic Devices or Procedures

AUTHORITY: Implementing and authorized by Sections 3(a), (b), and (k) of "AN ACT in relation to rehabilitation of persons with one or more disabilities" (Ill. Rev. Stat. 1988 Supp., ch. 23, pars. 3434(a), (b), and (k)).

SOURCE: Adopted at 9 Ill. Reg. 8813, effective June 10, 1985; amended at 10 Ill. Reg. 13671, effective August 4, 1986; amended at 11 Ill. Reg. 5309, effective March 11, 1987; amended at 12 Ill. Reg. 15621, effective September 16, 1988; amended at 13 Ill. Reg. 1850, effective January 27, 1989; amended at 14 Ill. Reg. 6785, effective April 20, 1990.

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED AMENDMENTS

Section 587.50 Medical Service Providers

Medical services contained described within this part Subchapter b, for physical disabilities as described in 89 Ill. Adm. Code 552.30(a)(1) ~~will~~ must be provided by a physician or surgeon, (i.e., doctors of medicine and osteopathy), ~~or~~ other licensed medical technicians (e.g., Registered Nurses licensed pursuant to the Illinois Nursing Act (Ill. Rev. Stat. 1987, ch. 111, pars. 3401 et seq.)) ~~or~~ therapists or physician assistants licensed pursuant to the Physician Assistant Practice Act of 1987 (Ill. Rev. Stat. 1987, ch. 111, pars. 4601 et seq.). Hospitals must be approved by the Joint Commission on Accreditation of Hospitals.

Source: Amended at 14 Ill. Reg. 6785, effective April 20, 1990.

Section 587.70 Medication

DORS may pay for medications/treatments (e.g., insulin, doctor's office visit) necessary to cure or stabilize a condition in accordance with the objectives on the client's IWRP (89 Ill. Adm. Code 572) but will not pay for ongoing medications/treatments (treatment for a medical or mental condition for which there is no foreseeable date of termination of medication/treatment).

(Source: Added at 14 Ill. Reg. 6785, effective April 20, 1990.)

Section 587.100 Ear Examinations (Repealed)

~~For each client who is hearing impaired, an ear examination report must be acquired during the diagnostic process. The report must be obtained from a physician who is either an otolaryngologist or an otoneurologist.~~

(Source: Repealed at 14 Ill. Reg. 6785, effective April 20, 1990.)

Section 587.600 Experimental Stage Therapeutic Devices or Procedures

DORS will not purchase therapeutic devices, ~~or~~ procedures, ~~or~~ or surgeries, ~~or~~ organ transplants which have not been approved by the Food and Drug Administration of the United States Department of Health and Human Services.

(Source: Amended at 14 Ill. Reg. 6785, effective April 20, 1990.)

STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Universities Retirement
- 2) Code Citation: 80 Ill. Adm. Code 1600
- 3) Section Number: 1600.40 Adopted Action: Amending
- 4) Statutory Authority: Ill. Rev. Stat. 1987, ch. 108 1/2, pars. 15-101 et seq.)
- 5) Effective Date of Amendment: April 20, 1990
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: April 20, 1990
- 9) Notice of Proposal Published in Illinois Register: January 19, 1990, 14 Ill. Reg. 1228
- 10) Has JCAR issued a Statement of Objections to this amendment? No
- 11) Difference between proposal and final version:

1. To capitalize "board" in Sections 1600.40(a) and (b).
2. To place a colon after "the participant must" in Section 1600.40(a) and before the indented subsections appearing after that text.

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

- 13) Will this amendment replace an emergency rule currently in effect?
No

- 14) Are there any amendments pending on this Part? No

- 15) Summary and Purpose of Amendment:

An employee may purchase service credit for a leave at less than 50% pay. Credit is contingent upon the employee's return to employment for a period equal to the leave or eight months, whichever is less. Currently, the employee must pay for the period of the leave by either making a lump sum payment at the beginning of the leave, or paying for the leave in monthly installments during the leave period.

STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF ADOPTED AMENDMENT

This amendment will allow the employee to (a) make a lump sum payment at the beginning of the leave, (b) pay for the leave in monthly installments during the period of leave, or (c) pay for the leave at anytime prior to the date of death or retirement, whichever date is earlier. If the employee elects option (c), interest will be charged at the effective rate from the end of the academic year during which the employee was on leave to the date payment is received by the State Universities Retirement System. No payment may be made for service covering leaves of absence after the date the employee dies, or begins receiving a retirement annuity or disability retirement allowance.

- 16) Information and questions regarding this adopted amendment shall be directed to:

Donald E. Hoffmeister
Executive Director
State Universities Retirement System
50 Gerty Drive
Champaign, Illinois 61820

The full text of the Adopted Amendment begins on the next page:

STATE UNIVERSITIES RETIREMENT SYSTEM

STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF ADOPTED AMENDMENT(S)

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES

SUBTITLE D: RETIREMENT SYSTEMS

CHAPTER II: STATE UNIVERSITIES RETIREMENT SYSTEM

PART 1600

UNIVERSITIES RETIREMENT

- Section
1600.10 Definitions
1600.20 Dependency of Beneficiaries
1600.30 Crediting Interest on Employee Contributions and Other Reserves
1600.40 Election to Make Contributions Covering Buring Leave of Absence at Less Than 50% Without Pay
1600.50 Election to Pay Contributions Based Upon Employment Which Preceded Certification as a Participant
1600.70 Procedures to be followed in Medical Evaluation of Disability Claims
1600.80 Rules of Practice-Nature and Requirements of Formal Hearings
APPENDIX A Chart Outlining Hearing Procedures

AUTHORITY: Implementing and authorized by Article 15 of the Illinois Pension Code (Ill. Rev. Stat. 1987, ch. 108 1/2, pars. 15-101 et seq.).

SOURCE: Amended September 2, 1977; amended at 2 Ill. Reg. 31, p.53, effective July 30, 1978; amended at 7 Ill. Reg. 8139, effective June 29, 1983; codified at 8 Ill. Reg. 19683; amended at 11 Ill. Reg. 15656, effective September 9, 1987; amended at 13 Ill. Reg. 19939, effective November 21, 1989; amended at 14 Ill. Reg. 6789, effective April 20, 1990.

Section 1600.40 Election to Make Contributions Covering Buring Leave of Absence at Less Than 50% Without Pay

- a) Buring-a-period-of-leave-of-absence-without-pay---except---military leaves---a-participant-may---elect---to-make-contributions-to-the-State Universities-Retirement-System-subject-to-paragraph-(b)-(c)-and---(d) of-this-Section:
- b) The-election-must-be-filed-within-60-days-after-the-beginning-date-of the-leave---An-election-filed-after-the-expiration-of-this-period shall-not-be-accepted-unless-the-Board-finds-that---good-cause-exists for-the-delayed-filing.
- c) Payment-for-contributions-as-required-by-the-Illinois-Pension-Code (Ill.-Rev.-Stat.-1987-ch.-108-1/2-par.-15-101-et-seq.)-shall-be-due on---the-last-day-of-the-month-for-which-the-contributions-are-payable. A-grace-period-of-sixty-days-shall-be-granted-for-the-payment-of---the contributions---Contributions-received-after-the-expiration-of-the grace-period-shall-be-accepted-only-if-the-Board-finds-that---there-is good-cause-for-the-delay-in-payment-and-the-participant-pays-interest on---the-contributions-at-the-prescribed-rate-covering-the-period-after the-expiration-of-the-grace-period---Examples-of---good-cause---are fitness-of---the-participant-military-service-or-inability-to-contact

the-participant:

- d) If-a-participant-fails-to-comply-with-the-conditions-set-forth-in paragraphs-(a)-(b)-and-(c)-of-this-Section-he-shall-not-be-entitled to-service-or-earnings-credit-covering-the-leave-of-absence-without pay.

- a) Under the provisions of the Illinois Pension Code (Ill. Rev. Stat. 1987, ch. 108 1/2, par. 15-101 et seq.), a participant may elect to pay contributions covering leaves of absence at less than 50% pay, except military leave and periods of disability leave in excess of 60 days, if the participant pays the contributions required by the Illinois Pension Code in accordance with rules prescribed by the Board upon the participant's basic compensation on the date the leave begins. In order to pay contributions covering such leaves of absence, the participant must:

- (1) return to employment covered by the State Universities Retirement System at the expiration of the leave, or within 30 days after the termination of a disability which occurs during the leave, and continues this employment for at least 8 months or a period equal to the period of the leave, whichever is less, or
- (2) be precluded from meeting the foregoing conditions because of disability or death.

- b) If the participant meets the conditions set forth in subsection (a) of this Section, he or she may purchase service credit covering such leaves of absence by paying contributions required by the Illinois Pension Code plus interest thereon at the effective rate as determined by the Board from the end of the academic year in which the contribution is due to the date the payment is received by the State Universities Retirement System.

- c) The participant may purchase during the academic year in which employment terminates or in which the retirement annuity begins, not less than 1/4 year of additional service credit for such leaves of absence. If the participant elects to purchase such credit prior to the academic year in which employment terminates at least one year of additional service credit shall be purchased, unless the total service credit which may be purchased for the leave of absence is less than one year.

- d) No payment may be made for service covering leaves of absence after the date the participant dies or begins receiving a retirement annuity or disability retirement allowance.

- e) If a participant purchases service credit covering a leave of absence but fails to meet the conditions set forth in the preceding subsections of this Section, the payment made shall be refunded without interest.

- f) Not more than 3 years of service credit for leaves of absence in any period of 10 years may be purchased.

- g) This rule is not applicable to a participant who is on special leave of absence for service with a teacher organization.

(Source: Amended at 14 Ill. Reg. 6789, effective

STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF ADOPTED AMENDMENT(S)

April 20, 1990)

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Cigarette Tax Act
- 2) Code Citation: 86 Ill. Adm. Code 440
- 3) Section Numbers:
440.10
440.20
440.140
440.150
440.200
Adopted Action:
Amendment
Amendment
Repealer
Repealer
Amendment
- 4) Statutory Authority: Ill. Rev. Stat. 1989, ch. 120, pars. 453.2 and 453.9d
- 5) Effective Date of Amendment(s): April 19, 1990
- 6) Does this rulemaking contain an automatic repeal date? Yes ☐ No ☒
- 7) Does this amendment contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: April 19, 1990
- 9) Notice of Proposal Published in Illinois Register:
August 11, 1989, 13 Ill. Reg. 12954
(issue date)
- 10) Has JCAR issued a Statement of Objections to these Rules? No
- 11) Differences between proposal and final version: Pursuant to the request of the Administrative Code Division, the following changes were made:
 1. In the Table of Contents, in the heading of Section 440.70, deleted the hyphens from the phrase "Out-of-State". Also in the Table of Contents, added "(Repealed)" after the headings of Sections 440.140 and 440.150.
 2. In Section 440.10(d), added in parentheses the Section and title of the Act from which this statutory citation was taken.
 3. In Section 440.20(a), line 1, changed the word "paragraph" to "subsection".
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? No agreements were necessary.

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

13) Will this amendment replace an emergency amendment currently in effect?
No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rule(s): The changes to Section 440.10(d) and (e) are necessary by reason of the additional tax imposed by Section 6 of PA 86-17 on persons engaged in business as retailers of cigarettes at the rate of 5 mills per cigarette sold.

The deletion of the last sentence of Section 440.20(a) because Sections 440.140 and 440.150 are being repealed.

The change to Section 440.20(a) updates the denominations in which cigarette stamps are now sold.

The change to Section 440.200(f) corrects a misspelled word.

The change to Section 440.200(k) makes explicit the fact that no claim for replacement of cigarette stamps will be approved in an amount greater than the amount paid for the stamps being replaced.

The repeal of Sections 440.140 and 440.150 is necessary because tax meters are no longer used to evidence payment of the Cigarette Tax. Payment of the Cigarette Tax is evidenced by stamps.

16) Information and questions regarding this adopted rule shall be directed to:

R. Dale Yung
Administrator
Legal Services Bureau
Illinois Department of Revenue
101 West Jefferson
Springfield, Illinois 62794
Phone: (217) 782-6336

The full text of the Adopted Amendment begins on the next page:

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

TITLE 86: REVENUE

CHAPTER I: DEPARTMENT OF REVENUE

PART 440

CIGARETTE TAX ACT

Section

440.10	Nature and Rate of Tax
440.20	Tax--How Paid
440.30	Tax--Who Liable For
440.40	Design
440.50	Tax Stamps--When and By Whom Affixed: License or Permit Required
440.60	Tax Stamps--How Affixed
440.70	Tax Stamps--Affixed Out of State
440.80	Transporter Permits
440.90	Tax Stamps--Purchase of: Cost: Discount
440.100	Returns Required: When Filed
440.110	Books and Records: Examination: Preservation
440.120	Unused Stamps and Meter Units: Sale of: Notice to Department
440.130	Mutilated Stamps
440.140	Tax Meters (Repealed)
440.150	Tax Meter Machine Settings (Repealed)
440.160	Vending Machines
440.170	Sales Out of Illinois
440.180	Sales to Governmental Bodies
440.190	Sample Packages of Cigarettes: Stamps or Other Evidence of Tax Payment Affixed
440.200	Claim for Replacement
440.210	Sale of Forfeited Cigarettes and Vending Machines
440.220	Tax-Free Sales of Cigarettes for Use Aboard Ships Operating in Foreign Commerce Outside The Continental Limits of the United States
440.230	Claims for Credit or Refund

AUTHORITY: Implementing and authorized by the Cigarette Tax Act (Ill. Rev. Stat. 1987, ch. 120, pars. 453.1 et seq.).

SOURCE: Filed and effective June 17, 1958; amended at 6 Ill. Reg. 2831 and 2834, effective March 3, 1982; codified at 8 Ill. Reg. 17912; amended at 13 Ill. Reg. 10678, effective June 16, 1989; amended at 14 Ill. Reg. 6794, effective April 19, 1990.

NOTE: Capitalization denotes statutory language.

Section 440.10 Nature and Rate of Tax

- a) The cigarette tax is imposed upon any person who exercises the privilege of engaging in business as a retailer of cigarettes in this State, and is at the rate of 5-1/2 mills per cigarette sold or otherwise disposed of in the course of such business in this State.

NOTICE OF ADOPTED AMENDMENTS

The proceeds from this tax are paid into the General Revenue Fund of the State Treasury.

- b) In addition, the Cigarette Tax Act (Ill. Rev. Stat. 1987, ch. 120, pars. 453.1 et seq.) (the Act), imposes a tax upon any person engaged in business as a retailer of cigarettes in this State at the rate of 1/2 mill per cigarette sold or otherwise disposed of in the course of such business in this State on and after January 1, 1947, and shall be paid into the Service Recognition Bond, Interest and Retirement Fund until that Fund contains sufficient money to retire all bonds payable from that Fund. Thereafter, the proceeds from the 1/2 mill tax are to be paid into the Fair and Exposition Authority Reconstruction Fund.
- c) EFFECTIVE DECEMBER 1, 1985, IN ADDITION TO ANY OTHER TAXES IMPOSED BY THE ACT, A TAX IS IMPOSED UPON ANY PERSON ENGAGED IN BUSINESS AS A RETAILER OF CIGARETTES IN THIS STATE AT A RATE OF 4 MILLS PER CIGARETTE SOLD OR OTHERWISE DISPOSED OF IN THE COURSE OF SUCH BUSINESS IN THIS STATE. OF THIS ADDITIONAL TAX, \$9,000,000.00 OF THE MONEYS RECEIVED UNDER THE ACT SHALL BE PAID EACH MONTH INTO THE COMMON SCHOOL FUND. (Section 2a of the Act)
- d) Effective July 2, 1989, IN ADDITION TO ANY OTHER TAX IMPOSED BY THIS ACT, A TAX IS IMPOSED UPON ANY PERSON ENGAGED IN BUSINESS AS A RETAILER OF CIGARETTES AT THE RATE OF 5 MILLS PER CIGARETTE SOLD OR OTHERWISE DISPOSED OF IN THE COURSE OF SUCH BUSINESS IN THIS STATE (Section 2a of the Act).
- de) The total of these rates is ~~10~~ 15 mills per cigarette; or ~~20~~ 30¢ on a package of 20 cigarettes.
- ef) The impact of these taxes is declared by the Cigarette Tax Act to be imposed upon the retailer, with the taxes being required to be pre-paid or pre-collected by the distributor for the purpose of convenience and facility only, and the amount of the tax shall be added to the price of the cigarettes sold by such distributor. Collection of the tax shall be evidenced by a stamp or stamps affixed to each original package of cigarettes, as provided in the Act and in this Part.
- eg) It shall be the duty of each distributor to collect the tax from the retailer at or before the time of the sale, to affix the required stamps and to remit the tax collected from retailers to the Department of Revenue (Department). Any distributor who shall fail to properly collect and pay the tax imposed by the Act shall be liable for the tax.
- eh) The amount of the cigarette tax imposed by the Act shall be

NOTICE OF ADOPTED AMENDMENTS

separately stated, apart from the price of the goods, by both distributors and retailers, in all advertisements, bills and sales invoices.

- hi) The taxes so imposed are in addition to all other occupation or privilege taxes imposed by the State of Illinois, political subdivisions thereof or by any municipal corporation.

(Source: Amended at 14 Ill. Reg. 6794, effective April 19, 1990)

Section 440.20 Tax - How Paid

- a) Except as provided in ~~paragraph~~ subsection (b) of this Section, payment of the tax imposed by the Act shall be evidenced by a stamp affixed to each "original package" of cigarettes, in a face amount equal to ~~6~~ 15 mills for each cigarette contained in such package. Stamps are sold only to distributors by the Department at a discount (explained in more detail in Section 440.90 of this Part), when purchased according to law, in denominations evidencing payment of the tax on packages of ~~5~~ 10, ~~10~~ 20, ~~20~~ 40 and ~~50~~ 30 cigarettes. More than one stamp may be affixed to a single original package; ~~for example, a 5- and a 10- on a package of 15 cigarettes, two 8's on a package of 16 cigarettes, two 5's on a package of 10 cigarettes.~~ For example, a 10 cigarette stamp and a 10 cigarette stamp may be affixed to a single original package of 20 cigarettes. ~~For information concerning tax meter imprinting, see Sections 440.140 and 440.150 of this Part.~~

- b) Illinois cigarette manufacturers who place their cigarettes in original packages which are contained inside a sealed transparent wrapper, and similar out-of-State cigarette manufacturers who elect to qualify and are accepted by the Department as distributors under Section 4b of the Act, shall pay the taxes imposed by the Act by remitting the amount thereof, less the discount explained in Section 440.90 of this Part, to the Department by the 5th day of each month covering cigarettes shipped or otherwise delivered in Illinois to purchasers during the preceding calendar month. Such manufacturers of cigarettes in original packages which are contained inside a sealed transparent wrapper, before delivering such cigarettes or causing such cigarettes to be delivered in this State to purchasers, shall evidence their obligation to remit the taxes due with respect to such cigarettes by imprinting language to be prescribed by the Department on each original package of such cigarettes underneath the sealed transparent outside wrapper of such original package, in such place thereon and in such manner as the Department may designate. Such imprinted language shall acknowledge the manufacturer's payment of or liability for the tax imposed by the Act with respect to the distribution of such cigarettes.

NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 14 Ill. Reg. 6794, effective April 19, 1990)

Section 440.140 Tax Meters (Repealed)

- a) The Department is empowered to authorize distributors to affix revenue tax stamps by imprinting tax meter stamps upon original packages of cigarettes. The Department is charged by the Act with the duty of regulating the use of tax meters to secure payment of the proper taxes as imposed by the Act. No distributor shall affix revenue tax stamps to original packages of cigarettes by imprinting tax meter stamps thereon unless such distributor has first applied to and obtained permission from the Department to employ this method of affixation.
- b) In support of said application, the applicant must agree to the following terms and conditions:
 - 1) That only clear and legible imprints will be issued on original packages of cigarettes sold or otherwise disposed of subject to the tax;
 - 2) That the meter or meters and the base will be used only on the distributor's licensed premises;
 - 3) That each meter will at all times be kept in a safe place when not in use;
 - 4) That the meter will be properly safeguarded when being transported to or from the Department other than by means of a common carrier for a meter setting;
 - 5) That in case of the theft of a meter or a meter base, the theft will be reported promptly to the Department of Revenue and to the proper police authorities;
 - 6) That no reimbursement will be made in the case of the theft of a meter for unused units contained therein at the time when a meter is stolen;
 - 7) That when discontinuing business as a licensed cigarette distributor any meter which such distributor has will be returned within 24 hours to the Department of Revenue;
 - 8) That no meter base will be sold or otherwise disposed of to anyone except a licensed cigarette distributor in this State or outside this State and then only after permission and authority from the Department of Revenue have been obtained;

NOTICE OF ADOPTED AMENDMENTS

- 9) That meter imprints evidencing payment of tax will be issued only on packages of cigarettes purchased by the person authorized to use such meter; and
- 10) That the applicant will comply with any other conditions specified in any rule promulgated by the Department of Revenue under the Cigarette Tax Act relative to the subject of meters.
- e) If the Department approves the distributor's application for permission to affix revenue tax stamps to original packages of cigarettes by imprinting tax meter stamps thereon, the Department will authorize such distributor to use tax stamp imprinting machine and meter for the purpose of imprinting tax stamps on original packages of cigarettes.
- d) The Department may, to assure the proper collection of taxes imposed by the Act, revoke or suspend the privilege heretofore granted by the Department to any distributor of imprinting tax meter stamps upon original packages of cigarettes.
- e) All meters are under the direct control of the Department, and all transfers, assignments or anything pertaining thereto must first be authorized by the Department.
- f) All inks used in the stamping of cigarettes must be of a special type devised for use in connection with the machine employed and approved by the Department.
- g) All repairs to either the machine or the meter are strictly prohibited except by a duly authorized representative of the manufacturer or the Department. Requests for service should be directed to the nearest branch office of the manufacturer or to the Department.
- h) Meter machine ink imprints on all packages must be clear and legible. All dies and other equipment must be regularly serviced and cleaned according to the instruction issued by the manufacturers of the machines.
- i) If a distributor continuously issues illegible cigarette tax meter imprints, it shall be considered sufficient cause for revocation of his permit to use a cigarette tax meter.
- j) Any violation of any regulation issued by the Department relative to the subject of meters shall be deemed sufficient cause for the revocation or suspension of the privilege of using such cigarette stamping equipment.

(Source: Repealed at 14 Ill. Reg. 6794, effective April 19, 1990)

NOTICE OF ADOPTED AMENDMENTS

Section 440.150 Tax Meter Machine Settings (Repealed)

- a) ~~All distributors of cigarettes using meter stamping machines shall submit their requests for settings on Form RC-1 furnished for that purpose by the Department. Licensees, when forwarding meters to the Department by express or other media requiring the payment of transportation charges, must prepay such transportation charges. Meters must be brought or sent directly to the Chicago or Springfield offices of the Department for setting and must be accompanied by the proper remittance and by Form RC-1. The meter will then be set and returned to the licensee. If the meter is returned to the licensee by express or other media requiring the payment of transportation charges, the licensee will be required to pay such transportation charges.~~
- b) ~~All requests for meter settings shall be in units of 100 and must not exceed 99,999.~~

(Source: Repealed at 14 Ill. Reg. 6794, effective April 19, 1990)

Section 440.200 Claim for Replacement

- a) Where a distributor wishes to have stamps that have been affixed to original packages of cigarettes replaced, such distributor shall file a claim on Departmental Form RC-16, which form will be provided by the Department upon request.
- b) Upon receipt by the Department of Form RC-16, properly completed and executed, if the claim is approved, the Department may send its representative or representatives to the distributor's place of business to witness destruction of cigarette revenue stamps affixed to packages of cigarettes; and when an affidavit made by such representative or representatives of the Department is supported by other documents required by the Department, or when the claim is supported by the evidence required by the Department without an affidavit of a Department representative or representatives who has witnessed the destruction of the stamps where the Department does not send anyone to witness such stamp destruction, physical replacement of the stamps will be made.
- c) The Department may make such charge for the cost of the replacement stamps as it deems necessary and reasonable. If the Department sends one or more of its representatives to witness the destruction of the stamps, the Department may make such charge as it deems necessary and reasonable because of that expense to the Department.
- d) If a greater number of stamps in a certain series of stamps is destroyed than is included in the claim for replacement, the excess

NOTICE OF ADOPTED AMENDMENTS

number of stamps destroyed in that series of stamps will not be replaced. If a lesser number of stamps in a certain series of stamps is destroyed than is included in the claim for replacement, the actual number of stamps destroyed in that series will be replaced. If stamps are destroyed in a certain series of stamps, which series of stamps is not listed in the claim for replacement, physical replacement of stamps in that series will not be made.

- e) Claims for replacement of cigarette revenue stamps will be approved only when the claim indicates that the cigarettes involved are unsalable and are to be shipped by the claimant in interstate commerce, by a common carrier or through the United States mails, to a designated consignee outside Illinois, or when the claim indicates that the cigarettes involved are unsalable and are to be destroyed by claimant, or when the claim indicates that the packages of cigarettes involved have been improperly stamped (i.e., overstamped, understamped, etc.).
- f) It is mandatory upon a distributor to destroy (in the presence of a Department representative or ~~representatives~~ representatives if the Department so requires) Illinois cigarette revenue stamps that are affixed to packages of cigarettes in connection with his claim to the Department for the replacement of such stamps, if the distributor has improperly stamped packages of cigarettes by affixing Illinois cigarette revenue stamps in an amount which is insufficient to evidence full payment of the tax.
- g) Claims for the replacement of cigarette revenue stamps affixed to packages of cigarettes will not be approved unless the distributor filing the claim has title to the cigarettes covered by the claim and is carrying such Illinois tax-stamped cigarettes in his physical, book and Cigarette Revenue Return inventories.
- h) If a claim discloses that, subsequent to the destruction of the stamps, the unstamped packages of cigarettes are to be shipped in interstate commerce to a designated out-of-State consignee, physical replacement of the stamps will not be made unless and until the claimant-licensee submits to the Department, to support his claim, a waybill, freight bill or bill of lading, issued by a common carrier, or an insurance receipt or registry receipt issued by the United States Postal Department, or a Post Office Department receipt form 3817, proving that the cigarettes have actually been shipped by the claimant in interstate commerce, by common carrier or through the United States mails, to the out-of-State consignee designated in the claim.
- i) Subsequent to the destruction of cigarette revenue stamps affixed to packages of cigarettes, physical replacement of the stamps will not

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

be made if a review of pertinent Cigarette Revenue Return or Returns filed by the claimant-licensee reveals that the stamps scheduled in the claim have not been included in the claimant-licensee's inventories in Schedule "C".

- j) In connection with any claim for the replacement of Illinois cigarette revenue stamps, in addition to the types of proof specified herein, the Department reserves the right to require such additional proof in support of any claim as may appear to be necessary.
- k) If the Department approves a claim for the physical replacement of cigarette tax stamps, the Department (subject to the same limitations as those provided for in Section 440.230 of this Part) may issue an assignable credit memorandum or refund to the claimant or to the claimant's legal representative. Under no circumstances will a claim for replacement be approved in an amount which exceeds the amount paid by the claimant for the stamps which are the subject of the claim.

- l) When any tax imposed by the Cigarette Tax Act terminates or has terminated, distributors who have bought stamps while such tax was in effect and who therefore paid such tax, but who can show, to the Department's satisfaction, that they sold the cigarettes to which they affixed such stamps after such tax had terminated and did not recover the tax or its equivalent from purchasers, shall be allowed by the Department to take credit for such absorbed tax against subsequent tax stamp purchases from the Department by such distributor.

(Source: Amended at 14 Ill. Reg. 6794, effective April 19, 1990.)

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Cigarette Use Tax Act
- 2) Code Citation: 86 Ill. Adm. Code 450
- 3) Section Numbers: 450.10 Adopted Action: Amendment
- 4) Statutory Authority: Ill. Rev. Stat. 1989, ch. 120, pars. 453.32
- 5) Effective Date of Amendment(s): April 19, 1990
- 6) Does this rulemaking contain an automatic repeal date? Yes X No
- 7) Does this amendment contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: April 19, 1990
- 9) Notice of Proposal Published in Illinois Register:

August 11, 1989, 13 Ill. Reg. 12964
(Issue date)

- 10) Has JCAR issued a Statement of Objections to these Rules? No

- 11) Differences between proposal and final version: At the request of the Administrative Code Division, the following changes were made:

In the Table of Contents, in the heading for Section 450.20, deleted the hyphens from the phrase "Out-of-State".

In Section 450.10(h), specified at the end of each statutory quotation the Section and title of the Act from which it was taken.

At the request of the Joint Committee on Administrative Rules, the following change was made:

In the statutory citation preceding the last sentence of Section 450.10(h), underlined "(Ill. Rev. Stat. 1989, ch. 120, par. 453.3)".

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

- 13) Will this amendment replace an emergency amendment currently in effect?
No

- 14) Are there any amendments pending on this Part? No

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

- 15) Summary and Purpose of Rule(s): The change in Section 450.10(a) is necessary by reason of the additional tax imposed by Section 7 of PA 86-17 on the privilege of using cigarettes in this State at the rate of 5 mills per cigarette.

- 16) Information and questions regarding this adopted rule shall be directed to:

R. Dale Yung
Administrator
Legal Services Bureau
Illinois Department of Revenue
101 West Jefferson
Springfield, Illinois 62794
Phone: (217) 782-6336

The full text of the Adopted Amendment begins on the next page:

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

TITLE 86: REVENUE

CHAPTER I: DEPARTMENT OF REVENUE

PART 450

CIGARETTE USE TAX ACT

Section	Nature and Rate of Tax
450.10	Tax Stamps--Affixed Out of State
450.20	Licenses and Permits--Bonds
450.30	Reports and Returns
450.40	Books and Records
450.50	Unused Stamps and Meter Units--Sale of--Notice to Department--
450.60	Mutilated Stamps--Tax Meter Machine Settings
450.70	Cigarettes Used Outside Illinois
450.80	Purchase of Cigarettes by Governmental Bodies for Use
450.90	Claim for Replacement
450.100	Sample Packages of Cigarettes--Stamps or Other Evidence of Tax Collection Affixed
450.110	Sale of Forfeited Cigarettes and Vending Machines
450.120	Claims for Credit or Refund

AUTHORITY: Implementing and authorized by the Cigarette Use Tax Act (Ill. Rev. Stat. 1987, ch. 120, pars. 453.31 et seq.).

SOURCE: Filed and effective June 17, 1958; codified at 8 Ill. Reg. 13838; amended at 13 Ill. Reg. 10687, effective June 16, 1989; amended at 14 Ill. Reg. 6804, effective April 19, 1990.

NOTE: Capitalization denotes statutory language.

Section 450.10 Nature and Rate of Tax

- a) The Cigarette Use Tax is imposed upon the privilege of using cigarettes in this State, and the tax rate is 40 15 mills per cigarette so used.
- b) The tax must be collected by a distributor maintaining a place of business in this State or a distributor authorized by Section 7 of the Act to hold a permit to collect such tax, and the amount of the tax shall be added to the price of the cigarettes sold by such distributor and must be stated on the invoice as a separate item from the selling price of the cigarettes except when the purchaser is a Federal or foreign government agency or instrumentality (see Section 450.50 of this Part).
- c) Distributors who are not subject to the Cigarette Tax Act (Ill. Rev. Stat. 1987, ch. 120, par. 453.1 et seq.) (the Act), but who are subject to the Cigarette Use Tax Act (Ill. Rev. Stat. 1987,

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

ch. 120, par. 453.31) et seq.), must remit, to the Department of Revenue (the Department), the amount of Cigarette Use Tax to be collected by them through the purchase and affixation of tax stamps or meter impression units (where the use of meters is authorized by the Department) to any original package of cigarettes before delivering such cigarettes (or causing them to be delivered) in this State to any purchaser, or (in the case of manufacturers of cigarettes in original packages which are contained inside a sealed transparent wrapper) by imprinting the language to be prescribed by the Department on the original package of cigarettes beneath such outside wrapper.

d) At the time of purchasing stamps from the Department or any person authorized by the Department, when purchase of the stamps is required by the Cigarette Use Tax Act or at the time when the tax which he has collected is remitted by a distributor to the Department without the purchase of stamps from the Department or any person authorized by the Department when that method of remitting the tax that has been collected is required or authorized by the Act, the distributor will be allowed discounts as follows during any year commencing July 1 and ending the following June 30. Prior to December 1, 1985, a discount equal to 1-2/3% of the amount of the tax up to and including the first \$700,000.00 paid under the Cigarette Use Tax Act by such distributor to the Department during any such year; 1-1/3% of the next \$700,000.00 of tax, or any part thereof, paid under the Cigarette Use Tax Act by such distributor to the Department during any such year; 1% of the next \$700,000.00 of tax, or any part thereof, paid under the Cigarette Use Tax Act by such distributor to the Department during any such year, and 2/3 of 1% of the amount of any additional tax paid under the Cigarette Use Tax Act by such distributor to the Department during any such year. Effective December 1, 1985, a discount equal to 1.75% of the amount of the tax payable under the Act up to and including the first \$3,000,000.00 paid by such distributor to the Department during any such year and 1.5% of the amount of any additional tax paid by such distributor to the Department during any such year.

e) These discounts are to cover the distributor's cost of collecting the tax.

f) Two or more distributors that use a common means of affixing revenue tax stamps or that are owned or controlled by the same interests shall be treated as a single distributor for the purpose of computing the discount.

g) In general, remittances to the Department should be in the form of bank cashier's check, certified check or postal money order, made payable to the Department of Revenue. However, the Department will accept the licensee's personal check in payment for tax stamps if

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

such licensee has on file, with the Department, a binding guarantee letter from a bank guaranteeing the payment of checks drawn by the licensee on such bank in favor of the Department of Revenue in payment of Cigarette Use Tax up to a specified amount, and if the total amount of the present remittance and any other remittances from the licensee that have not cleared the bank when the present remittance is issued are within the limit of the amount guaranteed in the bank's guarantee letter. Postage stamps will not be accepted.

h) In addition, prior to December 1, 1985, the Department will allow a distributor 21 days in which to make final payment of the amount to be paid for such stamps, by allowing the distributor to make payment for the stamps at the time of purchasing them with a draft which shall be in such form as the Department prescribes, and which shall be payable within 21 days thereafter. Provided that such distributor has filed with the Department, and has received the Department's approval of, a bond, which is in addition to the bond required under Section 4 of the Act, payable to the Department in an amount equal to 80% of such distributor's average monthly tax liability to the Department under the Act during the preceding calendar year or \$500,000.00, whichever is less. The bond shall be joint and several and shall be in the form of a surety company bond in such form as the Department prescribes, or it may be in the form of a bank certificate of deposit or bank letter of credit. The bond shall be conditioned upon the distributor's payment of the amount of any 21-day draft which the Department accepts from that distributor for the delivery of stamps to that distributor under the Act. The distributor's failure to pay any such draft, when due, shall also make such distributor automatically liable to the Department for a penalty equal to 25% of the amount of such draft. ON AND AFTER DECEMBER 1, 1985, THE DEPARTMENT SHALL ALLOW A DISTRIBUTOR 30 DAYS IN WHICH TO MAKE FINAL PAYMENT OF THE AMOUNT TO BE PAID FOR SUCH STAMPS, BY ALLOWING THE DISTRIBUTOR TO MAKE PAYMENT FOR THE STAMPS AT THE TIME PURCHASING THEM WITH A DRAFT WHICH SHALL BE IN SUCH FORM AS THE DEPARTMENT PRESCRIBES (i.e., a standard bank draft which the distributor may post-date), AND WHICH SHALL BE PAYABLE WITHIN 30 DAYS THEREAFTER: PROVIDED THAT SUCH DISTRIBUTOR HAS FILED WITH THE DEPARTMENT, AND HAS RECEIVED THE DEPARTMENT'S APPROVAL OF, A BOND, WHICH IS IN ADDITION TO THE BOND REQUIRED UNDER SECTION 4 OF THE ACT, PAYABLE TO THE DEPARTMENT IN AN AMOUNT EQUAL TO 150% OF SUCH DISTRIBUTOR'S AVERAGE MONTHLY TAX LIABILITY TO THE DEPARTMENT UNDER THE ACT DURING THE PRECEDING CALENDAR YEAR OR \$750,000.00, WHICHEVER IS LESS, EXCEPT THAT AS TO BONDS FILED ON OR AFTER JANUARY 1, 1987, SUCH ADDITIONAL BOND SHALL BE IN AN AMOUNT EQUAL TO 100% OF SUCH DISTRIBUTOR'S AVERAGE MONTHLY TAX LIABILITY UNDER THE ACT DURING THE PRECEDING CALENDAR YEAR OR \$750,000.00, WHICHEVER IS LESS. THE BOND SHALL BE JOINT AND SEVERAL AND SHALL BE IN THE FORM OF A SURETY COMPANY BOND IN SUCH FORM AS THE DEPARTMENT PRESCRIBES, OR IT MAY BE

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

IN THE FORM OF A BANK CERTIFICATE OF DEPOSIT OR BANK LETTER OF CREDIT. THE BOND SHALL BE CONDITIONED UPON THE DISTRIBUTOR'S PAYMENT OF THE AMOUNT OF ANY 30-DAY DRAFT WHICH THE DEPARTMENT ACCEPTS FROM THAT DISTRIBUTOR FOR THE DELIVERY OF STAMPS TO THAT DISTRIBUTOR UNDER THE ACT. THE DISTRIBUTOR'S FAILURE TO PAY ANY SUCH DRAFT, WHEN DUE, SHALL ALSO MAKE SUCH DISTRIBUTOR AUTOMATICALLY LIABLE TO THE DEPARTMENT FOR A PENALTY EQUAL TO 25% OF THE AMOUNT OF SUCH DRAFT. (Ill. Rev. Stat. 1987, ch. 120, par. 453.3, Section 3 of the Act) PRIOR CONTINUOUS COMPLIANCE TAXPAYERS, AS DEFINED IN SECTION 1 OF THE ACT, ARE EXEMPT FROM THE BOND REQUIREMENTS NOTED ABOVE. FOR ADDITIONAL INFORMATION CONCERNING THE EXEMPTION, REFER TO SECTION 3 OF THE ACT.

i) The Cigarette Use Tax collected by a distributor who is liable to collect and remit a like amount of tax with respect to the same cigarettes under the Cigarette Tax Act need not be remitted to the Department under the Cigarette Use Tax Act. In other words, the amount which the distributor is liable to collect and remit under the Cigarette Tax Act with respect to particular cigarettes is offset against the amount collected from the purchaser by such distributor under the Cigarette Use Tax Act with respect to the same cigarettes. Sections 3 and 10 of the Cigarette Use Tax Act permit this offset in order to avoid the double remittance of tax to the State on the same transactions in the case of sales of cigarettes in Illinois.

j) In those instances in which a distributor is required to affix tax stamps or meter impressions to original packages of cigarettes under the Cigarette Use Tax Act, rather than under the Cigarette Tax Act, the provisions of the Part relating to the Cigarette Tax Act (86 Ill. Adm. Code 440) shall apply and are incorporated herein by reference.

k) Where cigarettes are acquired for use in this State without Illinois tax stamps being affixed to the original packages thereof and without authorized tax imprints placed underneath the sealed transparent wrapper of such original packages, the user is required to remit the amount of the Cigarette Use Tax directly to the Department. Such tax should be remitted to the Department by the user within 3 days after he acquires such cigarettes.

(Source: Amended at 14 Ill. Reg. 6804, effective April 19, 1990)

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Income Tax
- 2) Code Citation: 86 Ill. Adm. Code 100
- 3) Section Numbers: 100.3250
Adopted Action:
Amendment
- 4) Statutory Authority: Ill. Rev. Stat. 1989, ch. 120, pars. 14-1401(a), 15-1501(a)(14) and 15-1501(a)(20)
- 5) Effective Date of Amendment(s): April 19, 1990
- 6) Does this rulemaking contain an automatic repeal date? Yes ☐ No ☒
- 7) Does this amendment contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: April 19, 1990
- 9) Notice of Proposal Published in Illinois Register:
November 27, 1989, 13 Ill. Reg. 18138
(issue date)

10) Has JCAR issued a Statement of Objections to this Rule?: No

11) Differences between proposal and final version: Pursuant to the request of the Administrative Code Division, the following changes were made:

1. Changed the Authority Note to read as follows: "Implementing the Illinois Income Tax Act and authorized by Section 1401 of that Act (Ill. Rev. Stat. 1989, ch. 120, pars. 1-101 et seq. and 14-1401)."

2. In Section 100.3250(i), line 3, within the parentheses, added the Section and title of the Act being referenced. In this same subsection, in lines 4, 7 and 8, added the Section and Title of the Act being referenced.

Pursuant to the request of the Joint Committee on Administrative Rules, the following change was made:

In Section 100.3250(g), added the following language:

"The taxpayer may submit any relevant evidence to the Department for its consideration. Such evidence may include, but is not limited to, affidavits, evidence of: voter registration, automobile or drivers license registration, filing an income tax return as a resident of another state, home ownership or rental agreements, club and/or organizational

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

memberships and participation, telephone and/or other utility usage over a duration of time. In appropriate instances, the Department may request any relevant evidence which may assist it in determining the taxpayer's place of residence."

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this amendment replace an emergency amendment currently in effect? No
- 14) Are there any amendments pending on this Part? Yes

Section Numbers	Proposed Action	Illinois Register Citation
100.2900	Amendment	7/7/89, 13 Ill. Reg. 10772
100.2901	New Section	7/7/89, 13 Ill. Reg. 10772
100.2902	New Section	7/7/89, 13 Ill. Reg. 10772
100.2903	New Section	7/7/89, 13 Ill. Reg. 10772
100.2904	New Section	7/7/89, 13 Ill. Reg. 10772
100.9060	Amendment	12/15/89, 13 Ill. Reg. 19347
100.9070	Amendment	12/15/89, 13 Ill. Reg. 19347
100.9110	Amendment	12/15/89, 13 Ill. Reg. 19347
100.9130	Amendment	12/15/89, 13 Ill. Reg. 19347
100.9140	Amendment	12/15/89, 13 Ill. Reg. 19347

- 15) Summary and Purpose of Rule(s): Section 100.3250 is clarified and superfluous language is removed and presumption of nonresidence is added.

- 16) Information and questions regarding this adopted amendment shall be directed to:

Lawrence W. Reisch, Jr.
Staff Attorney
Income Tax Legal Division
Illinois Department of Revenue
101 West Jefferson
Springfield, Illinois 62794
Phone: (217) 782-7055

The full text of the Adopted Amendment begins on the next page:

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

TITLE 86: REVENUE
CHAPTER I: DEPARTMENT OF REVENUE

PART 100
INCOME TAX

SUBPART A: TAX IMPOSED

Section
100.2000

Personal Property Tax Replacement Income Tax (hereinafter "PPRIT") for Taxable Years Beginning Prior to July 1, 1979, and Ending After June 30, 1979 - Specific Accounting - In General (ITTA Section 201) (Repealed)

100.2050

Personal Property Tax Replacement Income Tax (PPRIT) for Taxable Years Beginning Prior to July 1, 1979, and Ending After June 30, 1979 - Specific Accounting - Carryover Items (ITTA Section 201) (Repealed)

100.2100

Personal Property Tax Replacement Income Tax (PPRIT) for Taxable Years Beginning Prior to July 1, 1979, and Ending After June 30, 1979 - Specific Accounting - Carryback Items (ITTA Section 201) (Repealed)

100.2150

Personal Property Tax Replacement Income Tax (PPRIT) for Taxable Years Beginning Prior to July 1, 1979, and Ending After June 30, 1979 - Specific Accounting - Partnership Income (ITTA Section 201) (Repealed)

100.2200

Personal Property Tax Replacement Income Tax (PPRIT) for Taxable Years Beginning Prior to July 1, 1979, and Ending After June 30, 1979 - Specific Accounting - Long Term Contracts Reported on the Completed Contract Method (ITTA Section 201) (Repealed)

100.2250

Personal Property Tax Replacement Income Tax (PPRIT) for Taxable Years Beginning Prior to January 1, 1981, and Ending After December 31, 1980 - Specific Accounting - In General (ITTA Section 201) (Repealed)

100.2300

Personal Property Tax Replacement Income Tax (PPRIT) for Taxable Years Beginning Prior to January 1, 1981, and Ending After December 31, 1980 - Specific Accounting - Carryover Items (ITTA Section 201) (Repealed)

100.2350

Personal Property Tax Replacement Income Tax (PPRIT) for Taxable Years Beginning Prior to January 1, 1981, and Ending After December 31, 1980 - Specific Accounting - Carryback Items (ITTA Section 201) (Repealed)

100.2400

Personal Property Tax Replacement Income Tax (PPRIT) for Taxable Years Beginning Prior to January 1, 1981, and Ending After December 31, 1980 - Specific Accounting - Partnership Income (ITTA Section 201) (Repealed)

100.2450

Personal Property Tax Replacement Income Tax (PPRIT) for Taxable Years Beginning Prior to January 1, 1981, and Ending After December 31, 1980 - Specific Accounting - Long Term Contracts Reported on the Completed Contract Method (ITTA Section 201) (Repealed)

DEPARTMENT OF REVENUE

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

NOTICE OF ADOPTED AMENDMENTS

100.2500 Scope of 86 Ill. Adm. Code 100.2000 through 100.2450 (Repealed)

100.2550 Net Income (IITA Section 202)

100.2560 Illinois Net Loss Deduction for Losses Occurring On or After December 31, 1986 (IITA 207)

100.2551 Computation of the Illinois Net Loss Deduction for Losses Occurring On or After December 31, 1986 (IITA 207)

100.2562 Determination of the Amount of Illinois Net Loss for Losses Occurring On or After December 31, 1986

100.2563 Illinois Net Loss Carrybacks and Net Loss Carryovers for Losses Occurring On or After December 31, 1986

100.2564 Illinois Net Losses and Illinois Net Loss Deductions for Losses Occurring On or After December 31, 1986, of Corporations that are Members of a Unitary Business Group: Separate Unitary Ver-

100.2565 Illinois Net Losses and Illinois Net Loss Deductions for Losses Occurring On or After December 31, 1986, of Corporations that are Members of a Unitary Business Group: Changes in Membership

100.2600 Special Transitional Rules (IITA Section 202) (Repealed)

100.2650 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group (IITA Section 202) - Scope

100.2675 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group (IITA Section 202) - Definitions

100.2700 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group (IITA Section 202) - Current Net Operating Losses: Offsets Between Members

100.2750 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group (IITA Section 202) - Carrybacks and Carryforwards

100.2800 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group (IITA Section 202) - Effect of Combined Net Operating Loss in Computing Illinois Base Income

100.2850 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group (IITA Section 202) - Deadline for Filing Claims Based on Net Operating Losses Carried Back from a Combined Apportionment Year

100.2900 Investment Tax Credits

100.2950 Capital Gain Income of Estates and Trusts Paid to or Permanently Set Aside For Charity

SUBPART B: ALLOCATION AND APPORTIONMENT OF BASE INCOME

Terms Used in Article 3 (IITA Section 301)

100.3050 Business and Nonbusiness Income (IITA Section 301)

100.3100 Compensation (IITA Section 302)

100.3150 State (IITA Section 302)

100.3200 Taxability in Other State (IITA Section 303)

100.3250 Resident (IITA Section 301)

100.3300 Commercial Domicile (IITA Section 303)

100.3350 Allocation and Apportionment of Base Income (IITA Section 304)

100.3400 Allocation of Compensation Paid to Nonresidents (IITA Section 302)

100.3450 Allocation of Certain Items of Nonbusiness Income by Persons Other Than Residents (IITA Section 303)

100.3500 Business Income of Persons Other Than Residents (IITA Section 304) - In General

100.3510 Business Income of Persons Other Than Residents (IITA Section 304) - Apportionment

100.3520 Business Income of Persons Other Than Residents (IITA Section 304) - Allocation

100.3530 Business Income of Persons Other Than Residents (IITA Section 304)

100.3550 Property Factor (IITA Section 304)

100.3600 Payroll Factor (IITA Section 304)

100.3650 Sales Factor (IITA Section 304)

100.3700 Special Rules (IITA Section 304)

SUBPART C: RECORDS, RETURNS AND NOTICES

Section

100.5200 Time for Filing Returns: (IITA Section 505)

100.5250 Time for Filing Returns: Corporations (IITA Section 505) (Repealed)

100.5300 Time for Filing Returns: Cooperatives (IITA Section 505) (Repealed)

100.5350 Time for Filing Returns: Partnerships (IITA Section 505) (Repealed)

100.5400 Time for Filing Returns: Estates and Trusts (IITA Section 505) (Repealed)

100.5450 Place for Filing Returns: All Taxpayers (IITA Section 505)

100.5500 Extensions of Time for Filing Returns: All Taxpayers (IITA Section 505)

100.5550 Short Year Returns of Newly Acquired Subsidiaries (IITA Section 505) (Repealed)

100.5600 Taxpayer's Notification to the Department of Certain Federal Changes Arising in Federal Consolidated Return Years, and Arising in Certain Loss Carryback Years (IITA Section 506)

100.5700 Composite Returns: Eligibility

100.5702 Composite Returns: Responsibilities of Authorized Agent

100.5704 Composite Returns: Individual Liability

100.5706 Composite Returns: Required Forms and computation of Income

100.5708 Composite Returns: Estimated Payments

DEPARTMENT OF REVENUE

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

NOTICE OF ADOPTED AMENDMENTS

Composite Return: Tax, Penalties and Interest
 Composite Returns: Credit for Resident Individuals
 Composite Returns: Definition of a "Lloyd's Plan of Operation"
 Election to File a Combined Return
 Procedure for Making the Election
 Designated Agent for the Members
 Combined Estimated Tax Payments
 Claims for Credit of Overpayments
 Liability for Combined Tax, Penalty and Interest
 Combined Amended Returns
 Computation of Combined Income and Tax
 Definitions and Miscellaneous Provisions Relating to Combined Returns

100.5710
 100.5712
 100.5714
 100.6000
 100.6010
 100.6020
 100.6030
 100.6040
 100.6050
 100.6060
 100.6070
 100.6080

SUBPART D: INCOME TAX WITHHOLDING

Requirement of Withholding (IITA Section 701)
 Compensation Paid in this State (IITA Section 701)
 Transacting Business Within this State (IITA Section 701)
 Payments to Residents (IITA Section 701)
 Employer Registration (IITA Section 701)
 Computation of Amount Withheld (IITA Section 701)
 Additional Withholding (IITA Section 701)
 Voluntary Withholding (IITA Section 701)
 Correction of Underwithholding or Overwithholding (IITA Section 701)
 Reciprocal Agreement (IITA Section 701)
 Cross References
 Withholding Exemption (IITA Section 702)
 Withholding Exemption Certificate (IITA Section 702)
 Exempt Withholding Under Reciprocal Agreements (IITA Section 702)
 Reports for Employee (IITA Section 703)
 Returns of Income Withheld from Wages (IITA Section 704)
 Quarterly Returns Filed on Annual Basis (IITA Section 704)
 Time for Filing Returns (IITA Section 704)
 Payment of Tax Deducted and Withheld (IITA Section 704)
 Correction of Underwithholding or Overwithholding (IITA Section 704)
 Requirement of Withholding-Personal Service Contracts (IITA Section 708)
 Contracts Indeterminate as to Amount (IITA Section 708)
 Series of Identical Contracts (IITA Section 708)
 Personal Service Contract (IITA Section 708)
 Presence Necessitated (IITA Section 708)
 Certification of Residence (IITA Section 708)
 Identities Specified in the Contract (IITA Section 708)
 Net Amount (IITA Section 708)

Section
 100.7000
 100.7010
 100.7020
 100.7030
 100.7040
 100.7050
 100.7060
 100.7070
 100.7080
 100.7090
 100.7100
 100.7150
 100.7200
 100.7250
 100.7300
 100.7350
 100.7400
 100.7450
 100.7500
 100.7510
 100.7550
 100.7560
 100.7570
 100.7580
 100.7590
 100.7600
 100.7610
 100.7620

Coordination with IITA Section 701 (IITA Section 708)
 Requirement of Withholding-Prizes and Awards (IITA Section 709)
 Promoter (IITA Section 709)
 Non-Cash Prizes (IITA Section 709)
 Certification of Residence (IITA Section 709)
 Relative Performance (IITA Section 709)

SUBPART E: DECLARATION AND PAYMENT OF ESTIMATED TAX

Penalty for Underpayments of Estimated Tax-Exception for Payments Based on Prior Year's Liability-Rule for a Taxable Year Following the Taxable Year in which the Personal Property Tax Replacement Income Tax (PPRIT) Became Effective-Corporate Taxpayers (IITA Section 802) (Repealed)
 Penalty for Underpayment of Estimated Tax-Exception for Payments Based on the Prior Year's Facts-Change in the Personal Property Tax Replacement Income Tax (PPRIT) Rate for Corporations on January 1, 1981 (IITA Section 802) (Repealed)

Section
 100.8300

SUBPART F: STATEMENT OF PROCEDURAL RULES

Introduction
 Letter Ruling Procedures
 General Income Tax Procedures (IITA Section 901)
 Taxpayer Representation and Practice Requirements
 Collection Authority (IITA Section 901)
 Notice and Demand (IITA Section 902)
 Assessment (IITA Section 903)
 Deficiencies and Overpayments (IITA Section 904)
 Application of Tax Payments Within Unitary Business Groups (IITA Section 903)
 Limitations on Notices of Deficiency (IITA Section 905)
 Further Notices of Deficiency Restricted (IITA Section 906)
 Waiver of Restrictions on Assessments (IITA Section 907)
 Procedure on Protest (IITA Section 908)
 Credits and Refunds (IITA Section 909)
 Procedure on Denial of Claim for Refund (IITA Section 910) (Repealed)
 Limitations on Claims for Refund (IITA Section 911)
 Recovery of Erroneous Refund (IITA Section 912)
 Access to Books and Records (IITA Section 913)
 Conduct of Investigations and Hearings (IITA Section 914)

Section
 100.9000
 100.9005
 100.9010
 100.9020
 100.9030
 100.9040
 100.9050
 100.9060
 100.9061
 100.9070
 100.9080
 100.9090
 100.9100
 100.9110
 100.9120
 100.9130
 100.9140
 100.9150
 100.9200

SUBPART G: JUDICIAL REVIEW

Administrative Review Law (IITA Section 1201)

SUBPART H: DEFINITIONS AND RULES OF INTERPRETATION

Section
 100.9805

NOTICE OF ADOPTED AMENDMENTS

Section

100.9900 Unitary Business Group Defined (ITTA Section 1501)

APPENDIX A: BUSINESS INCOME OF PERSONS OTHER THAN RESIDENTS

TABLE A

Example of Unitary Business Apportionment

TABLE B

Example of Unitary Business Apportionment for Groups Which Include Members Using Three-Factor and Single-Factor Formulas

AUTHORITY: Implementing the Illinois Income Tax Act and authorized by Section 1401 of that Act (Ill. Rev. Stat. 1987, ch. 120, pars. 1-101 et seq. and 14-1401).

SOURCE: Filed July 14, 1971, effective July 24, 1971; amended at 2 Ill. Reg. 49 p. 84, effective November 29, 1973; amended at 5 Ill. Reg. 813, effective January 7, 1981; amended at 5 Ill. Reg. 4617, effective April 14, 1981, amended at 5 Ill. Reg. 4642, effective April 14, 1981; amended at 5 Ill. Reg. 5537, effective May 7, 1981; amended at 5 Ill. Reg. 5705, effective May 20, 1981; amended at 5 Ill. Reg. 5883, effective May 20, 1981; amended at 5 Ill. Reg. 6043, effective June 16, 1981; amended at 5 Ill. Reg. 13244, effective November 13, 1981; amended at 5 Ill. Reg. 13724, effective November 30, 1981; amended at 6 Ill. Reg. 579, effective December 29, 1981; amended at 6 Ill. Reg. 9701, effective July 26, 1982; amended at 7 Ill. Reg. 399, effective December 28, 1982; codified at 8 Ill. Reg. 19574; amended at 9 Ill. Reg. 16986, effective October 21, 1985; amended at 9 Ill. Reg. 685, effective December 31, 1985; amended at 10 Ill. Reg. 7913, effective April 28, 1986; amended at 10 Ill. Reg. 19512, effective November 3, 1985; amended at 10 Ill. Reg. 21941, effective December 15, 1986; amended at 11 Ill. Reg. 831, effective December 24, 1985; amended at 11 Ill. Reg. 2450, effective January 20, 1987; amended at 11 Ill. Reg. 12410, effective July 8, 1987; amended at 11 Ill. Reg. 17782, effective October 16, 1987; amended at 12 Ill. Reg. 4865, effective February 25, 1988; amended at 12 Ill. Reg. 6748, effective March 25, 1988; amended at 12 Ill. Reg. 11766, effective July 1, 1988; amended at 12 Ill. Reg. 14307, effective August 29, 1988; amended at 13 Ill. Reg. 8917, effective May 30, 1989; amended at 13 Ill. Reg. 10952, effective June 26, 1989; amended at 14 Ill. Reg. 4558, effective March 8, 1990; amended at 14 Ill. Reg. 6810, effective April 19, 1990.

SUBPART B: ALLOCATION AND APPORTIONMENT OF BASE INCOME

Section 100.3250 Resident (ITTA Section 301)

a) General definition

The term "resident" is defined in ITTA Section 1501(a)(20) to mean:

- 1) an individual who is in Illinois for other than a temporary or

NOTICE OF ADOPTED AMENDMENTS

transitory purpose during the taxable year or who is domiciled in Illinois but is absent from Illinois for a temporary or transitory purpose during the taxable year;

- 2) the estate of a decedent who at his death was domiciled in Illinois;
- 3) a trust created by the will of a decedent who at his death was domiciled in Illinois; and
- 4) an irrevocable trust, the grantor of which was domiciled in Illinois at the time such trust became irrevocable. For the purpose of this subparagraph, a trust is considered irrevocable to the extent that the grantor is not treated as the owner thereof under 26 U.S.C. 671 through 678.

b) Individuals

~~An individual may be a resident of Illinois although not domiciled in Illinois, and, conversely, may be domiciled in Illinois without being a resident.~~ The purpose of the general definition is to include in the category of individuals who are taxable on their entire net income, regardless of whether derived from sources within or without Illinois, all individuals who are physically present in Illinois enjoying the benefit of its government, except those individuals who are here temporarily, and to exclude from this category, all individuals, who, although domiciled in Illinois, are outside Illinois for other than temporary and transitory purposes, and, hence, do not obtain the benefit of Illinois government. If an individual acquires the status of a resident by virtue of being physically present in Illinois for other than temporary or transitory purposes, he remains a resident even though temporarily absent from Illinois. If, however, he leaves Illinois for other than temporary or transitory purposes, he thereupon ceases to be a resident. If an individual is domiciled in Illinois, he remains a resident unless he is outside Illinois for other than temporary or transitory purposes.

c) Temporary or transitory purposes

Whether or not the purpose for which an individual is in Illinois will be considered temporary or transitory in character will depend upon the facts and circumstances of each particular case. It can be stated generally, however, that if an individual is simply passing through Illinois on his way to another state, or is here for a brief rest or vacation, or to complete a particular transaction, or perform a particular contract, or fulfill a particular engagement, which will require his presence in Illinois for but a short period,

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

he is in Illinois for temporary or transitory purposes, and will not be a resident by virtue of his presence here. If, however, an individual is in Illinois to improve his health and his illness is of such a character as to require a relatively long or indefinite period to recuperate, or he is here for business purposes which will require a long or indefinite period to accomplish, or is employed in a position that may last permanently or indefinitely, or has retired from business and moved to Illinois with no definite intention of leaving shortly thereafter, he is in Illinois for other than temporary or transitory purposes, and, accordingly, is a resident taxable upon his entire net income even though he may ~~retain his domicile~~ also maintain an abode in some other state.

1) Example 1. X is domiciled in Fairbanks, Alaska, where he had lived for 50 years and had accumulated a large fortune. For medical reasons, X moves to Illinois where he now spends his entire time, except for yearly summer trips of about three or four months duration to Fairbanks. X maintains an abode in Illinois and still maintains, and occupies on visits there, his old abode in Fairbanks. Notwithstanding his ~~domicile~~ abode in Fairbanks, because his yearly sojourn in Illinois is not temporary or transitory, he is a resident of Illinois, and is taxable on his entire net income.

AGENCY NOTE: If in the foregoing example, the facts are reversed so that Illinois is the state of original domicile and Alaska is the state in which the person is present for the indicated periods and purposes, X is not a resident of Illinois within the meaning of the law, because he is absent from Illinois for other than temporary or transitory purposes.

2) Example 2. Until the summer of 1969, Y admitted domicile in Illinois. At that time, however, to avoid the Illinois income tax, Y declared himself to be domiciled in Nevada, where he had a summer home. Y moved his bank accounts to banks in Nevada, and each year thereafter spent about three or four months in Nevada. He continued to spend six or seven months of each year at his estate in Illinois, which he continued to maintain, and continued his social club and business connections in Illinois. The months not spent in Nevada or Illinois he spent traveling in other states. Y is a resident of Illinois and is taxable on his entire net income, for his sojourns in Illinois are not for temporary or transitory purposes.

AGENCY NOTE: If, in the foregoing two examples, the facts are reversed so that Illinois is the state of domicile and the other states are those in which the person is present for the indicated periods and purposes, X and Y are not residents of

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

~~Illinois within the meaning of the law, because they are absent from Illinois for other than temporary or transitory purposes. If, in the foregoing example, the facts are reversed so that Nevada is the state of his original domicile, and the state in which the person is present for the indicated periods and purposes, X is not a resident of Illinois within the meaning of the law because he is absent from Illinois for other than temporary or transitory purposes.~~

3) Example 3. B and C, husband and wife, domiciled in Minnesota where they maintain their family home, come to Illinois each November and stay here until the middle of March. Originally they rented an apartment or house for the duration of their stay here but three years ago they purchased a house here. The house is either rented or put in the charge of a caretaker from March to November. B has retired from active control of his Minnesota business but still keeps office space and nominal authority in it. He belongs to clubs in Minnesota, but to none in Illinois. He has no business interests in Illinois. C has little social life in Illinois, more in Minnesota, and has no relatives in Illinois. Neither B nor C is a resident of Illinois. The connection of each to Minnesota, the state of domicile, in each year is closer than it is to Illinois. Their presence here is for temporary or transitory purposes.

AGENCY NOTE: If, in the foregoing example, the facts are reversed so that Illinois is the state of domicile and B and C are visitors to Minnesota, B and C are residents of Illinois.

d) Domicile-

Domicile has been defined as the place where an individual has his true, fixed, permanent home and principal establishment, the place to which he intends to return whenever he is absent. It is the place in which an individual has voluntarily fixed the habitation of himself and family, not for a mere special or limited purpose, but with the present intention of making a permanent home, until some unexpected event shall occur to induce him to adopt some other permanent home. Another definition of "domicile" consistent with the above is the place where an individual has fixed his habitation and has a permanent residence without any present intention of permanently removing therefrom. An individual can at any one time have but one domicile. If an individual has acquired a domicile at one place, he retains that domicile until he acquires another else where. Thus, if an individual, who has acquired a domicile in California, for example, comes to Illinois for a rest or vacation or on business or for some other purpose, but intends either to return to California or to go elsewhere as soon as his purpose in Illinois

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

is achieved, he retains his domicile in California and does not acquire a domicile in Illinois, even though he maintains a home in Illinois for himself and his family, has his family with him, and remains in Illinois a considerable period of time. Likewise, an individual who is domiciled in Illinois and who leaves the state retains his Illinois domicile as long as he has the definite intention of returning to Illinois regardless of the length of time or the reasons why he is absent from the state. On the other hand, an individual, domiciled in California, who comes to Illinois with the intention of remaining indefinitely and with no fixed intention of returning to California loses his California domicile and acquires an Illinois domicile the moment he enters the state. Similarly, an individual domiciled in Illinois loses his Illinois domicile:

- 1) by locating elsewhere with the intention of establishing the new location as his domicile, and
- 2) by abandoning any intention of returning to Illinois.

c) Married women and minors.

1) Generally, spouses living together have the same domicile as that of the husband. The domicile of a minor is ordinarily the same as the domicile of his father parents or guardians. If the father is deceased, the domicile of a minor is ordinarily the same as the domicile of his mother and vice versa. In either case, if the minor's parents are divorced, the domicile of the minor is the same as the domicile of the parent having custody.

2) Accordingly, if a man is domiciled in Illinois, his wife and minor children, generally, are likewise domiciled in Illinois. Even though a man is not domiciled in Illinois, his wife and minor children are residents of this State if they are in Illinois for other than temporary or transitory purposes.

f) Presumption of residence and nonresidence.

If an individual spends in the aggregate more than nine months of any taxable year in Illinois it will be presumed that he is a resident of Illinois. The presumption is not conclusive but may be overcome by satisfactory evidence that he is in Illinois for temporary or transitory purposes only. There is no presumption that a person opening less than nine months in Illinois is a nonresident. On the contrary, a person may be a resident even though not in the State during any portion of the year. Similarly, if an individual who is domiciled in Illinois for the entire taxable year spends any part of his taxable year in Illinois, it will be presumed that he is

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

a resident of Illinois. This presumption, again, is not conclusive but may be overcome by satisfactory evidence that his presence in Illinois was for a temporary or transitory purpose only. There is no presumption that a person is a nonresident simply because he is absent from Illinois for more than a year, on the contrary, a person may be a resident even though absent for more than a year if the absence is for a temporary or transitory purpose only. For example, a person may have enlisted in the Armed Forces for a limited period and be assigned to another state or states for the whole term of his enlistment, except for a change of domicile; the person's absence would be for a temporary or transitory purpose and he would remain a resident of Illinois. (See paragraph (h) below.) An individual who is absent from Illinois for one year or more will be presumed to be a nonresident of Illinois. These presumptions are not conclusive and may be overcome by other satisfactory evidence to the contrary.

g) Proof of residence or nonresidence.

1) The type and amount of proof that will be required in all cases to rebut or overcome a presumption of residence and to establish that an individual is a nonresident or nonresidence cannot be specified by a general regulation, but will depend largely on the circumstances of each particular case. The taxpayer may submit any relevant evidence to the Department for its consideration. Such evidence may include, but is not limited to, affidavits, evidence of: voter registration, automobile or drivers license registration, filing an income tax return as a resident of another state, home ownership or rental agreements, club and/or organizational memberships and participation, telephone and/or other utility usage over a duration of time. In appropriate instances, the Department may request any relevant evidence which may assist it in determining the taxpayer's place of residence.

A) Ordinarily, affidavits or testimony of an individual and of his friends, employer or business associates that the individual was in Illinois for a rest or vacation, to complete a particular business transaction or to work for a limited period of time, will be sufficient to overcome any presumption of residence here, in the case of individuals who claim to be nonresidents by virtue of being outside Illinois for other than temporary or transitory purposes, affidavits of friends and business associates as to the reasons for being outside the state should be submitted.

B) Affidavits that an individual votes in or files income tax returns as a resident of some other state, although

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

~~relevant in determining one's domicile, are otherwise of little value in determining one's residence. No weight shall be given to the fact that charitable contributions are made to charities either within or without Illinois.~~

2) If an individual is presumed under this regulation (86 Ill. Adm. Code 100.3250) to be a resident for any taxable year, he should file a return for that year even though he believes he was a nonresident who, as such, would not incur an Illinois income tax liability because he would have no income allocable or apportionable to Illinois. Such a return will enable the individual to avoid the possible imposition of penalties for failure to file under IITA Section 1001 should it later be determined that he was a resident for the taxable year. The return should be marked as a nonresident return, though Schedule NR is not required. The return should exhibit the computation of net income as though the individual were a resident. The line on the return provided for entering the tax liability should have the following notation: "No liability--nonresident." The return should be accompanied by a signed statement indicating which presumption of residence the individual was subject to and setting forth in detail the reasons why the individual believes he was a nonresident for the taxable year. The return should also be accompanied by any evidence such as certificates or affidavits that the individual is able to obtain showing that he was a nonresident for the taxable year. If the Department is not satisfied that the individual was a nonresident, it will so inform the individual and provide him with an opportunity to submit additional information supporting his contention. If the individual fails to submit additional information, or if the additional information submitted does not, when considered with the information appended to the return, overcome the presumption that the individual was a resident for the taxable year, the Department will issue a notice of deficiency asserting a liability against the individual on the following basis:

- A) that the individual is a resident for the taxable year, and
- B) that the individual's net income for the taxable year is:
 - i) the amount reflected, with appropriate mathematical error adjustments under IITA Section 903(a)(1), on the return filed by the individual under this paragraph or
 - ii) whatever other amount the Department has determined by an examination under IITA Section 904.

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

3) An individual who, for any taxable year, believes himself to be a nonresident, but who is presumed to be a resident under this regulation (86 Ill. Adm. Code 100.3250) may file his return (including a Schedule NR) as a nonresident if, as a nonresident, he incurs an Illinois income tax liability due to income allocated or apportioned to Illinois as a nonresident. However, the return should be accompanied by a signed statement indicating which presumption of residence the individual is subject to and setting forth in detail the reasons why the individual believes he was a nonresident for the taxable year. The return should also be accompanied by any evidence such as certificates or affidavits that the individual is able to obtain showing that he was a nonresident for the taxable year. If the Department is not satisfied that the individual was a nonresident, it will so inform the individual and provide him with an opportunity to submit additional information supporting his contention. If the individual fails to submit additional information, or if the additional information submitted does not, when considered with the information appended to the return, overcome the presumption that the individual was a resident for the taxable year, the Department will issue a notice of deficiency asserting a liability against the individual on the following basis:

- A) that the individual was a resident for the taxable year,
 - B) that the individual's net income for the taxable year is:
 - i) his entire base income, as reflected on his return with appropriate mathematical error adjustments under IITA Section 903(a)(1), less the appropriate standard exemption prescribed by IITA Section 204 or
 - ii) his entire base income, as determined by the Department in an examination under IITA Section 904, less the appropriate standard exemption prescribed by IITA Section 204.
- h) Military personnel.
- Under 50 U.S.C. App. 574, members of the U.S. Armed Forces (and commissioned officers of the U. S. Public Health Service) will not cease to be domiciled in Illinois solely by reason of their assignment to duty in other states for long periods; domiciliaries of other states will not become Illinois residents under the Act solely by reason of their presence in Illinois under military orders.
- i) Resident: Legal Definition: Usage.

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

The term "resident" is defined differently for different purposes. For example, an individual may be a "resident" for Illinois income tax purposes but not a "resident" eligible to vote (cf. Ill. Rev. Stat., ch. 120, para. 15-1501(a)(20) with Ill. Rev. Stat., ch. 46, para. 3-1 through 3-4) Section 15-1501(a)(20) of the IITA with Sections 3-1 through 3-4 of the Election Code (Ill. Rev. Stat., ch. 46, pars. 3-1 through 3-4)). Similarly, a person may be a resident of Illinois for Illinois income tax purposes, and also a resident of another state for purposes of that state's income tax law (cf. Ill. Rev. Stat., ch. 120, para. Section 15-1501(a)(20) of the IITA with Wis. Stat., ch. 71, sec. 71.01(1)).

(Source: Amended at 14 Ill. Reg. 6810 effective April 19, 1990.)

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Motor Fuel Tax
- 2) Code Citation: 86 Ill. Adm. Code 500
- 3) Section Numbers: 500.101
Adopted Action:
Amendment
- 4) Statutory Authority: Ill. Rev. Stat. 1989, ch. 120, pars. 417 - 434a
- 5) Effective Date of Amendment(s): April 19, 1990
- 6) Does this rulemaking contain an automatic repeal date? Yes X No
- 7) Does this amendment contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: April 19, 1990
- 9) Notice of Proposal Published in Illinois Register:
August 18, 1989, 13 Ill. Reg. 13201
(issue date)
- 10) Has JCAR issued a Statement of Objections to this Rule? No
- 11) Differences between proposal and final version: At the request of the Administrative Code Division, the following changes were made:
 1. In required question #1, included the term "Regulations" in the heading of this Part.
 2. In the Authority Note in the statutory citation, changed "par. 417-434.a" to "par. 417 et seq.".
 3. In the main source note immediately before the action added for this rulemaking, added "emergency amendments at 13 Ill. Reg. 13271, effective August 7, 1989, for a maximum of 150 days."
 4. In Section.101(a)(1) and (2), moved the lists of dates to the right 1/2 inch as if they were being labeled at the third level of subsections. Also, added subsection (b) for this Section which was inadvertently omitted. Also, at the end of this Section, specified the Section(s) and the title of the Act from which this statutory action was taken.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? No agreements were necessary.

NOTICE OF ADOPTED AMENDMENTS

13) Will this amendment replace an emergency amendment currently in effect?
No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Amendment: This rule sets out the increases in Motor Fuel Tax which took place on August 1, 1989, and on January 1, 1990.

16) Information and questions regarding this adopted rule shall be directed to:

R. Dale Yung
Administrator
Legal Services Bureau
Illinois Department of Revenue
101 West Jefferson
Springfield, Illinois 62794
Phone: (217) 782-6336

The full text of the Adopted Amendment begins on the next page:

NOTICE OF ADOPTED AMENDMENTS

TITLE 86: REVENUE

CHAPTER I: DEPARTMENT OF REVENUE

PART 500

MOTOR FUEL TAX REGULATIONS

Section	
500.101	Basis and Rate of Motor Fuel Tax
500.105	Monthly Returns
500.110	Report of Loss of Motor Fuel
500.115	Daily Gallonage Record
500.120	Licenses Are Not Transferable
500.125	Changes of Corporate Officers
500.130	Blenders' Permits Are Not Transferable
500.135	Vehicles of Distributors Transporting Petroleum Products
500.140	Other Vehicles
500.145	Cost of Collection - Determination
500.150	Cost of Collection - Books and Records
500.155	Motor Fuel Consumed by Distributors and Special Fuel Consumed by Suppliers
500.160	Claims for Refund - Original Invoices
500.165	Definition of Loss
500.170	Sales of Special Fuel - Variation in Usage
500.175	Special Motor Fuel Permits and Decals
500.180	Estimated Claims Not Acceptable
500.185	Claimants Owning Motor Vehicles
500.190	Detailed Answers
500.195	Revocation of License, etc. - Notice - Hearing
500.200	Distributors' and Suppliers' Claims for Credit
500.205	Procedure when Tax-paid Motor Fuel is Returned to Licensee for Credit
500.210	Sales of Motor Fuel to Municipal Corporations Owning and Operating Local Transportation Systems
500.215	Sales of Motor Fuel to Certain Privately Owned Public Utilities Owning and Operating Transportation Systems in Metropolitan Areas
500.220	Motor Carrier's Quarterly Report
500.225	When Purchaser's License Number With Department on Invoices Covering Sales of Special Fuel is Required.
500.230	Timely Mailing Treated as Timely Filing and Paying--Meaning of Due Date Which Falls on Saturday, Sunday or a Holiday
500.235	Incorporation of the Retailers' Occupation Tax Regulations by Reference

AUTHORITY: Implementing the Motor Fuel Tax Law (Ill. Rev. Stat. 1987, ch. 120, par. 417 et seq.) and authorized by Section 39b2 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1987, ch. 127, par. 39b2).

SOURCE: Adopted July 3, 1931; amended at 2 Ill. Reg. 1, p. 97, effective December 31, 1978; amended at 3 Ill. Reg. 13, p. 98, effective March 23, 1979; amended at 4 Ill. Reg. 28, p. 568, effective June 1, 1980; codified at

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

8 Ill. Reg. 8612; amended at 10 Ill. Reg. 4540, effective February 28, 1986; amended at 11 Ill. Reg. 10295, effective May 18, 1987; emergency amendments at 13 Ill. Reg. 13271, effective August 7, 1989, for a maximum of 150 days; emergency expired January 4, 1990; amended at 14 Ill. Reg. 6826, effective April 19, 1990.

NOTE: Capitalization denotes statutory language.

Section 500.101 Basis and Rate of the Motor Fuel Tax

a) THE MOTOR FUEL TAX IS IMPOSED "ON THE PRIVILEGE OF OPERATING MOTOR VEHICLES UPON THE PUBLIC HIGHWAYS, INCLUDING TOLL ROADS, AND RECREATIONAL-TYPE WATERCRAFT UPON THE WATERS OF THIS STATE".

1) MOTOR FUEL USED IN SUCH MOTOR VEHICLES UPON PUBLIC HIGHWAYS AND IN SUCH RECREATIONAL WATERCRAFT ON SUCH WATERS IS TAXED ACCORDING TO THE FOLLOWING RATE SCHEDULE:

TAX PERIOD	RATE
UNTIL AUGUST 1, 1983	7 1/2¢ PER GALLON
FROM AUGUST 1, 1983 THROUGH JUNE 30, 1984	11¢ PER GALLON
FROM JULY 1, 1984 THROUGH JUNE 30, 1985	12¢ PER GALLON
FROM JULY 1, 1985 AND THEREAFTER THROUGH JULY 31, 1989	13¢ PER GALLON
FROM AUGUST 1, 1989 THROUGH DECEMBER 31, 1989	16¢ PER GALLON
FROM JANUARY 1, 1990, AND THEREAFTER	19¢ PER GALLON

2) DIESEL FUEL USED IN SUCH MOTOR VEHICLES UPON PUBLIC HIGHWAYS AND IN SUCH RECREATIONAL WATERCRAFT ON SUCH WATERS IS TAXED ACCORDING TO THE FOLLOWING RATE SCHEDULE:

TAX PERIOD	RATE
UNTIL AUGUST 1, 1983	7 1/2¢ PER GALLON
FROM AUGUST 1, 1983 THROUGH JUNE 30, 1984	13 1/2¢ PER GALLON
FROM JULY 1, 1984 THROUGH JUNE 30, 1985	14 1/2¢ PER GALLON

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

FROM JULY 1, 1985 AND THEREAFTER
THROUGH JULY 31, 1989

15 1/2¢ PER GALLON

FROM AUGUST 1, 1989 THROUGH DECEMBER 31, 1989

18 1/2¢ PER GALLON

FROM JANUARY 1, 1990 AND THEREAFTER

21 1/2¢ PER GALLON

b) In addition, A TAX IS IMPOSED UPON THE PRIVILEGE OF ENGAGING IN THE BUSINESS OF SELLING MOTOR FUEL AS A RETAILER OR RESELLER ON ALL MOTOR FUEL USED IN MOTOR VEHICLES OPERATING ON THE PUBLIC HIGHWAYS AND RECREATIONAL TYPE WATERCRAFT OPERATING UPON THE WATERS OF THIS STATE:

1) AT THE RATE OF 3 CENTS PER GALLON ON MOTOR FUEL OWNED OR POSSESSED BY SUCH RETAILER OR RESELLER AT 12:01 A.M. ON AUGUST 1, 1989; AND

2) AT THE RATE OF 3 CENTS PER GALLON ON MOTOR FUEL OWNED OR POSSESSED BY SUCH RETAILER OR RESELLER AT 12:01 A.M. ON JANUARY 1, 1990.

3) Every retailer and reseller subject to this additional tax shall inventory the motor fuel which he/she/it owns or possesses at 12:01 A.M. on August 1, 1989. Based on that inventory, every retailer and reseller subject to this additional tax shall file a return on a form prescribed by the Department on or before August 20, 1989 and pay the tax due.

4) Every retailer and reseller subject to this additional tax shall inventory the motor fuel which he/she/it owns or possesses at 12:01 A.M. on January 1, 1990. Based on that inventory, every retailer and reseller subject to this additional tax shall file a return on a form prescribed by the Department on or before January 20, 1990 and pay the tax due.

bc) THE SPECIAL FUEL USE TAX IS IMPOSED "UPON THE USE OF SPECIAL FUEL UPON HIGHWAYS (INCLUDING TOLL WAYS OF THIS STATE) BY COMMERCIAL MOTOR VEHICLES". THE TAX ON SUCH SPECIAL FUEL SHALL BE COMPRISED OF TWO PARTS:

1) A TAX AT THE RATE ESTABLISHED IN SUBSECTIONS (a)(1) AND (a)(2) ABOVE; AND

2) A RATE "ESTABLISHED BY THE DEPARTMENT". (Motor Fuel Tax Law, Ill. Rev. Stat. 1983 1987, ch. 120, pars. 418 and 429a).

(Source: Amended at 14 Ill. Reg. 6826, effective Apr. 19, 1990)

NOTICE OF ADOPTED RULES

- 1) Heading of the Part: Taxpayer Rights
- 2) Code Citation: 86 Ill. Adm. Code 205
- 3) Section Numbers:
205.10
205.20
205.30
- Adopted Action:
New Section
New Section
New Section
- 4) Statutory Authority: Implementing the Taxpayers' Bill of Rights Act (P.A. 86-189, effective January 1, 1990) and authorized by Section 39b3 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1989, ch. 127, par. 39b3).
- 5) Effective Date of Rule(s): April 19, 1990
- 6) Does this rulemaking contain an automatic repeal date? Yes ☒ No ☐
- 7) Does this amendment contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: April 19, 1990
- 9) Notice of Proposal Published in Illinois Register:
January 12, 1990, 14 Ill. Reg. 575
(issue date)
- 10) Has JCAR issued a Statement of Objections to these Rules?: No
- 11) Differences between proposal and final version: At the request of the Joint Committee on Administrative Rules, the following changes were made:
1. Added the text " , with the agreement of the taxpayer," before "at the Department of Revenue location..." in Section 205.30(a)(2).
2. Added the following text to Section 205.30(b):
"i.e., the recording does not require more than one person to record the interview and the recording is done on behalf of and at the direction of the taxpayer, and by the taxpayer or the taxpayer's agent or employee."
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this amendment replace an emergency amendment currently in effect?
No

NOTICE OF ADOPTED RULES

- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rule(s): Specify Department of Revenue powers and duties under P.A. 86-189. Establish standards for times and places for taxpayer interviews and for recording of interviews.
- 16) Information and questions regarding this adopted rule shall be directed to:

R. Dale Yung
Administrator
Legal Services Bureau
Illinois Department of Revenue
101 West Jefferson
Springfield, Illinois 62794
Phone: (217) 782-6336

The full text of the Adopted Rules begins on the next page:

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED RULES

TITLE 86: REVENUE

CHAPTER I: DEPARTMENT OF REVENUE

PART 205

TAXPAYER RIGHTS

Section

205.10 Taxpayer Ombudsman

205.20 Department Responsibilities

205.30 Taxpayer Interviews

AUTHORITY: Implementing the Taxpayers' Bill of Rights Act (P.A. 86-139, effective January 1, 1990) and authorized by Section 39b3 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1987, ch. 127, par. 39b3).

SOURCE: Adopted at 14 Ill. Reg. 6831, effective Apr. 19, 1990

NOTE: Capitalization denotes statutory language.

Section 205.10 Taxpayer Ombudsman

THERE IS CREATED WITHIN THE DEPARTMENT OF REVENUE AN OFFICE OF TAXPAYER OMBUDSMAN TO INVESTIGATE AND FACILITATE THE RESOLUTION OF TAXPAYER COMPLAINTS; TO IDENTIFY FORUMS, PROCEDURES, LAWS OR REGULATIONS WHICH ARE CONFUSING AND LEAD TO TAXPAYER ERROR; AND TO TAKE APPROPRIATE ACTION TO REDUCE CONFUSION AND ERRORS. (Section 3 of the Taxpayers' Bill of Rights Act (the Act) P.A. 86-139, effective January 1, 1990).

Section 205.20 Department Responsibilities

THE DEPARTMENT OF REVENUE SHALL HAVE THE FOLLOWING POWERS AND DUTIES TO PROTECT THE RIGHTS OF TAXPAYERS:

- (a) TO FURNISH EACH TAXPAYER WITH A WRITTEN STATEMENT OF RIGHTS WHENEVER SUCH TAXPAYER RECEIVES A PROTESTABLE NOTICE, A BILL, A CLAIM DENIAL OR REDUCTION REGARDING ANY TAX. SUCH STATEMENT SHALL EXPLAIN THE RIGHTS OF SUCH PERSON AND THE OBLIGATIONS OF THE DEPARTMENT DURING THE AUDIT, APPEALS, REFUND AND COLLECTIONS PROCESSES. ALL SUCH WRITTEN TAXPAYER CONTACT SHALL INCLUDE THE PHONE NUMBER OF THE TAXPAYER OMBUDSMAN. (Section 4 of the Act).
- (b) TO INCLUDE ON ALL TAX NOTICES AN EXPLANATION OF TAX LIABILITIES AND PENALTIES. (Section 4 of the Act).
- (c) TO ABATE TAXES AND PENALTIES ASSESSED BASED UPON ERRONEOUS WRITTEN INFORMATION OR ADVICE GIVEN BY THE DEPARTMENT. (Section 4 of the Act).

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED RULES

(d) TO NOT CANCEL ANY INSTALLMENT CONTRACTS UNLESS THE TAXPAYER FAILS TO PROVIDE ACCURATE FINANCIAL INFORMATION, FAILS TO PAY ANY TAX OR DOES NOT RESPOND TO ANY DEPARTMENT REQUEST FOR ADDITIONAL FINANCIAL INFORMATION. (Section 4 of the Act).

(e) TO PLACE NON-PERISHABLE PROPERTY SEIZED FOR TAXES IN ESCROW FOR SAFEKEEPING FOR A PERIOD OF 20 DAYS TO PERMIT THE TAXPAYER TO CORRECT ANY DEPARTMENT ERROR. IF SEIZED PROPERTY IS OF A PERISHABLE NATURE AND IN DANGER OF IMMEDIATE WASTE OR DECAY, SUCH PROPERTY NEED NOT BE PLACED IN ESCROW PRIOR TO SALE. (Section 4 of the Act).

(f) TO PLACE SEIZED TAXPAYER BANK ACCOUNTS IN ESCROW WITH THE BANK FOR 20 DAYS TO PERMIT THE TAXPAYER TO CORRECT ANY DEPARTMENT ERROR. (Section 4 of the Act).

(g) TO ADOPT REGULATIONS SETTING STANDARDS FOR SETTING TIMES AND PLACES FOR TAXPAYER INTERVIEWS AND TO PERMIT ANY TAXPAYER TO RECORD SUCH INTERVIEWS. (Section 4 of the Act).

(h) TO PAY INTEREST TO TAXPAYERS WHO HAVE MADE OVERPAYMENTS AT THE SAME RATE AS INTEREST CHARGED ON UNDERPAYMENTS. (Section 4 of the Act).

(i) TO GRANT AUTOMATIC EXTENSIONS TO TAXPAYERS IN FILING INCOME TAX RETURNS WHEN SUCH TAXPAYER HAS BEEN GRANTED AN EXTENSION IN FILING A FEDERAL TAX RETURN. (Section 4 of the Act).

Section 205.30 Taxpayer Interviews

a) The times and places for Department initiated taxpayer interviews concerning civil tax liabilities, will be set as follows:

- 1) the time of the taxpayer interview will be during the Department of Revenue's regular business hours (8:00 a.m. to 5:00 p.m.) or during the taxpayer's regular business hours or at a time mutually agreeable to the Department and the taxpayer to be interviewed.
 - 2) the place of the taxpayer interview will be at the taxpayer's place of business or, with the agreement of the taxpayer, at the Department of Revenue location closest to the taxpayer's place of business or at a place mutually agreeable to the Department and the taxpayer to be interviewed.
- b) Taxpayer will be permitted to record interviews concerning civil tax liabilities, so long as the recording process does not interfere with the conduct of the interview, i.e., the recording does not require more than one person to record the interview and the recording is done on behalf of and at the direction of the taxpayer, and by the taxpayer or the taxpayer's agent or employee.

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Use Tax
- 2) Code Citation: 86 Ill. Adm. Code 150
- 3) Section Numbers:
 150.325
 150.330
 150.1401
 150.1405
 150.1415
- Adopted Action:
 Amendment
 Amendment
 Amendment
 Amendment
- 4) Statutory Authority: Ill. Rev. Stat. 1989, ch. 120, pars. 439.3, 439.19 and 439.22
- 5) Effective Date of Amendment(s): April 19, 1990
- 6) Does this rulemaking contain an automatic repeal date? Yes ☐ No ☒
- 7) Does this amendment contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: April 19, 1990
- 9) Notice of Proposal Published in Illinois Register:
 May 12, 1989, 13 Ill. Reg. 7215
 (Issue date)
- 10) Has JCAR issued a Statement of Objections to this Rule? No

- 11) Differences between proposal and final version: During the First Notice Period, deleted references to specific local taxes, most of which have been repealed, and substituted general language relating to local tax Acts administered by the Department.

Pursuant to the Administrative Code Division, the following changes were made:

1. Added a Subpart heading.
2. In regard to the comments pertaining to changes requested in Nos. 2, 3, and 4, this material was subsequently deleted on Second Notice, so no changes required.
3. In Section 150.1405(b)(3), changed "(see Section 150.1405(a) of this Part)" in the last two lines to "(see subsection (a) of this Section."

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? No agreements were necessary.
- 13) Will this amendment replace an emergency amendment currently in effect?
 No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rule(s): The amendments to Sections 150.325 and 150.330 expand the definition of purchasers who are exempt from Illinois Use Tax and add the requirement that all exempt purchasers, on and after July 1, 1987, must have an active exemption identification number issued by the Department of Revenue before they may make tax-free purchases of tangible personal property.
- The amendments to Sections 150.1401 and 150.1405 are proposed to authorize the Department or the taxpayer to use credit memoranda issued for overpayments under the Use Tax Act to offset liability under the Municipal Retailers' Occupation Tax Act, the Municipal Use Tax Act, the Municipal Service Occupation Tax Act, the County Retailers' Occupation Tax Act, the County Supplementary Retailers' Occupation Tax Act, the County Service Occupation Tax Act, the County Supplementary Service Occupation Tax Act, the County Use Tax Act, the County Supplementary Use Tax Act, Section 4 of the Water Commission Act of 1985, subsections (b), (c) and (d) of Section 5.01 of the Local Mass Transit District Act, or subsections (e), (f) and (g) of Section 4.03 of the Regional Transportation Authority Act.
- The amendment to Section 150.1415 is proposed to codify the statutory interest rate paid on credit memoranda.
- 16) Information and questions regarding this adopted amendment shall be directed to:

R. Dale Yung
 Administrator
 Legal Services Bureau
 Illinois Department of Revenue
 101 West Jefferson
 Springfield, Illinois 62794
 Phone: (217) 782-6336

The full text of the Adopted Amendment begins on the next page:

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

TITLE 86: REVENUE
CHAPTER I: DEPARTMENT OF REVENUEPART 150
USE TAX REGULATIONS

SUBPART A: NATURE OF THE TAX

Section	Description of the Tax
150.101	Rate and Base of Tax
150.105	How To Compute Depreciation
150.110	How To Determine Effective Date
150.115	Effective Date of New Taxes
150.120	Relation of Use Tax to Retailers' Occupation Tax
150.125	Accounting for the Tax
150.130	How to Avoid Paying Tax on Use Tax Collected From the Purchaser
150.135	

SUBPART B: DEFINITIONS

Section	General Definitions
150.201	

SUBPART C: KINDS OF USES AND USERS NOT TAXED

Section	Cross References
150.301	Effect of Limitation that Purchase Must be at Retail From a Retailer to be Taxable
150.305	Interim Use and Demonstration Exemptions
150.306	Exemptions to Avoid Multi-State Taxation
150.310	Non-resident Exemptions
150.315	Meaning of "Acquired Outside This State"
150.320	Charitable, Religious, and Educational and Senior Citizens Recreational Organizations as Buyers
150.325	Governmental Bodies as Buyers
150.330	

SUBPART D: COLLECTION OF THE USE TAX FROM USERS BY RETAILERS

Section	Collection of the Tax by Retailers from Users
150.401	Tax Collection Brackets for a 2% Rate of Tax (Repealed)
150.405	Tax Collection Brackets for a 2-1/4% Rate of Tax (Repealed)
150.410	Tax Collection Brackets for a 2-1/2% Rate of Tax (Repealed)
150.415	Tax Collection Brackets for a 2-3/4% Rate of Tax (Repealed)
150.420	Tax Collection Brackets for a 3% Rate of Tax (Repealed)
150.425	Tax Collection Brackets for a 3-1/8% Rate of Tax (Repealed)
150.430	Tax Collection Brackets for a 3-1/4% Rate of Tax (Repealed)
150.435	Tax Collection Brackets for a 3-1/2% Rate of Tax (Repealed)
150.440	Tax Collection Brackets for a 3-3/4% Rate of Tax (Repealed)
150.445	Tax Collection Brackets for a 4% Rate of Tax (Repealed)
150.450	

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

Section	Tax Collection Brackets for a 4-1/8% Rate of Tax (Repealed)
150.455	Tax Collection Brackets for a 4-1/4% Rate of Tax (Repealed)
150.460	Tax Collection Brackets for a 4-1/2% Rate of Tax (Repealed)
150.465	Tax Collection Brackets for a 4-3/4% Rate of Tax (Repealed)
150.470	Tax Collection Brackets for a 5% Rate of Tax (Repealed)
150.475	Tax Collection Brackets for a 5-1/8% Rate of Tax (Repealed)
150.480	Tax Collection Brackets for a 5-1/4% Rate of Tax (Repealed)
150.485	Tax Collection Brackets for a 5-1/2% Rate of Tax (Repealed)
150.490	Tax Collection Brackets for a 5-3/4% Rate of Tax (Repealed)
150.495	Tax Collection Brackets for a 6% Rate of Tax (Repealed)
150.500	Optional 1% Schedule (Repealed)
150.505	Exact Collection of Tax Required When Practicable
150.510	Prohibition Against Retailer's Representing That He Will Absorb The Tax
150.515	Display of Tax Collection Schedule
150.520	Methods for Calculating Tax on Sales of Items Subject to Differing Tax Rates
150.525	

SUBPART E: RECEIPT FOR THE TAX

Section	Requirements
150.601	

SUBPART F: SPECIAL INFORMATION FOR TAXABLE USERS

Section	When and Where to File a Return
150.701	Use Tax on Items that are Titled or Registered in Illinois
150.705	Procedure in Claiming Exemption from Use Tax
150.710	Receipt for Tax or Proof of Exemption Must Accompany Application for Title or Registration
150.715	Display Certificates for House Trailers
150.716	Issuance of Title or Registration Where Retailer Fails or Refuses to Remit Tax Collected by Retailer from User
150.720	Direct Payment of Tax by User to Department on Intrastate Purchase Under Certain Circumstances
150.725	Direct Reporting of Use Tax to Department by Registered Retailers
150.730	

SUBPART G: REGISTRATION OF OUT-OF-STATE RETAILERS

Section	When Out-of-State Retailers Must Register and Collect Use Tax
150.801	Voluntary Registration by Certain Out-of-State Retailers
150.805	Incorporation by Reference
150.810	

SUBPART H: RETAILERS' RETURNS

Section	When and Where to File
150.901	Deduction for Collecting Tax
150.905	Incorporation by Reference
150.910	Itemization of Receipts from Sales and the Tax Among the Different States from Which Sales are Made into Illinois
150.915	

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

SUBPART I: PENALTIES, INTEREST AND PROCEDURES

Section
150.1001 General Information

SUBPART J: TRADED-IN PROPERTY

Section
150.1101 General InformationSUBPART K: INCORPORATION OF ILLINOIS RETAILERS' OCCUPATION TAX
REGULATIONS BY REFERENCESection
150.1201 General Information

SUBPART L: BOOKS AND RECORDS

Section

150.1301 Users' Records

150.1305 Retailers' Records

150.1310 Use of Signs to Prove Collection of Tax as a Separate Item
Consequence of Not Complying with Requirement of Collecting Use Tax

Separately From the Selling Price

150.1320 Incorporation by Reference

SUBPART M: CLAIMS TO RECOVER ERRONEOUSLY PAID TAX

Section

150.1401 Claims for Credit--Limitations--Procedure

150.1405 Disposition of Credit Memoranda by Holders Thereof

150.1410 Refunds

150.1415 Interest

TABLE A Tax Collection Brackets

AUTHORITY: Implementing the Use Tax Act (Ill. Rev. Stat. 1987, ch. 120, pars. 439.1 et seq.) and authorized by Section 39b28 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1987, ch. 127, par. 39b28).

SOURCE: Adopted August 1, 1955; amended at 4 Ill. Reg. 24, p. 553, effective June 1, 1980; amended at 5 Ill. Reg. 5351, effective April 30, 1981; amended at 5 Ill. Reg. 11072, effective October 6, 1981; codified at 6 Ill. Reg. 9326; amended at 8 Ill. Reg. 3704, effective March 12, 1984; amended at 8 Ill. Reg. 7278, effective May 11, 1984; amended at 8 Ill. Reg. 8623, effective June 5, 1984; amended at 11 Ill. Reg. 6275, effective March 20, 1987; amended at 14 Ill. Reg. 6835, effective April 19, 1990

NOTE: Capitalization denotes statutory language.

SUBPART C: KINDS OF USES AND USERS NOT TAXED

Section 150.325 Charitable, Religious, and Educational and Senior Citizens
Recreational Organizations as Buyers

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

a) The tax shall not apply to any corporation, society, association, foundation, or institution organized and operated exclusively for charitable, religious or educational purposes, nor to any not-for-profit corporation, society, association, foundation, institution or organization which has no compensated officers and employees and which is organized and operated primarily for the recreation of persons 55 years of age or older, when using tangible personal property purchased at retail.

b) On and after July 1, 1987, none of the entities noted in subsection a) hereinabove shall be entitled to make tax-free purchases at retail unless such entities have an active exemption identification number issued by the Department.

(Source: Amended at 14 Ill. Reg. 6835, effective April 19, 1990.)

Section 150.330 Governmental Bodies as Buyers

a) The Use Tax does not apply to purchases by governmental bodies. Effective March 17, 1965, purchases by State-chartered banks and by Federal and State savings and loan associations for use are subject to the Use Tax. Effective February 1, 1977, purchases by national banks for use are also subject to Use Tax, provided that such tax does not apply to property which is the subject matter of a written contract of purchase entered into by a national bank prior to September 1, 1969.

b) On and after July 1, 1987, no governmental bodies who would otherwise be able to make tax-free purchases at retail may make tax-free purchases at retail unless such governmental bodies have an active exemption identification number issued by the Department.

(Source: Amended at 14 Ill. Reg. 6835, effective April 19, 1990.)

SUBPART M: CLAIMS TO RECOVER ERRONEOUSLY PAID TAX

Section 150.1401 Claims for Credit--Limitations--Procedure

a) When Purchasers May File Claims

If it shall appear that an amount of tax or penalty or interest has been paid in error under the Use Tax Act to the Department by a purchaser, as distinguished from the retailer, whether such amount be paid through a mistake of fact or an error of law, such purchaser may file a claim for credit with the Department.

b) When Retailers May File Claims--Unjust Enrichment Prohibited

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

- 1) If it shall appear that an amount of tax or penalty or interest has been paid in error to the Department under the Use Tax Act by a retailer who is required or authorized to collect and remit the Use Tax, whether such amount be paid through a mistake of fact or an error of law, such retailer may file a claim for credit with the Department, provided that no credit shall be allowed for any amount paid by any such retailer unless it shall appear that he bore the burden of such amount and did not shift the burden thereof to anyone else (as in the case of a duplicated tax payment which the retailer made to the Department and did not collect from anyone else), or unless it shall appear that he or his legal representative has unconditionally repaid such amount to his vendee:

- A) who bore the burden thereof and has not shifted such burden directly or indirectly in any manner whatsoever;
- B) who, if he has shifted such burden, has repaid unconditionally such amount to his own vendee, and
- C) who is not entitled to receive any reimbursement therefor from any other source than from his vendor, nor to be relieved of such burden in any other manner whatsoever.

- 2) If it shall appear that an amount of tax has been paid in error under the Use Tax Act by the purchaser to a retailer, who retained such tax as reimbursement for his tax liability on the same sale under the Retailers' Occupation Tax Act, and who remitted the amount involved to the Department under the Retailers' Occupation Tax Act, whether such amount be paid through a mistake of fact or an error of law, the procedure for recovering such tax shall be that prescribed in Sections 6, 6a, 6b and 6c of the Retailers' Occupation Tax Act.

c) Time Limit On the Filing Of Claims

As to any claim for credit filed with the Department on and after January 1 but on or before June 30 of any given year, no amount of tax or penalty or interest erroneously paid (either in total or partial liquidation of a tax or penalty or amount of interest under the Use Tax Act) more than 3 years prior to such January 1 shall be credited, and as to any such claim filed on and after July 1 but on or before December 31 of any given year, no amount of tax or penalty or interest erroneously paid (either in total or partial liquidation of a tax or penalty or amount of interest under the Use Tax Act) more than 3 years prior to such July 1 shall be credited. No claim shall be allowed for any amount paid to the Department, whether paid voluntarily or involuntarily, if paid in total or partial

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

liquidation of an assessment which had become final before the claim for credit to recover the amount so paid is filed with the Department, or if paid in total or partial liquidation of a judgment, order or decree of court.

d) Procedure For Filing Of Claims

- 1) Claims for credit shall be prepared and filed upon forms provided by the Department. Where the claimant is a corporation, the claim filed on behalf of such corporation shall be signed by the president, vice-president, secretary or treasurer or by the properly accredited agent of such corporation.

- 2) A claim for credit shall be considered to have been filed with the Department on the date upon which it is received by the Department.

- 3) Upon receipt of any claim for credit filed under the Act, any officer or employee of the Department, authorized in writing by the Director of Revenue to acknowledge receipt of such claims on behalf of the Department, shall execute on behalf of the Department, and shall deliver or mail to the claimant or his duly authorized agent, a written receipt, acknowledging that the claim has been filed with the Department, describing the claim in sufficient detail to identify it and stating the date upon which the claim was received by the Department.

- 4) Such written receipt shall be prima facie evidence that the Department received the claim described in such receipt and shall be prima facie evidence of the date when such claim was received by the Department.

- 5) In the absence of such a written receipt, the records of the Department as to when the claim was received by the Department, or as to whether or not the claim was received at all by the Department, shall be deemed to be prima facie correct upon these questions in the event of any dispute between the claimant (or his legal representative) and the Department concerning these questions. (See Section 19 of the Act.)

e) Procedure After Filing Of Claims

- 1) The Department will examine each claim for credit as soon as practicable after such claim is filed and will notify the claimant (or his legal representative, if the claim is filed by such legal representative, or if the claimant has died or become incompetent and such legal representative has notified the Department of his appointment and qualification as such legal

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

representative, of if the Department, on its own motion, has substituted such legal representative in the proceeding for the deceased or incompetent claimant) of its Tentative Determination of the amount of credit, if any, to which the claimant or his legal representative is entitled.

- 2) If such claimant, or the legal representative of a deceased or incompetent taxpayer, shall, within 20 days after the Department's Notice of Tentative Determination of Claim, file a protest thereto and request a hearing thereon, the Department shall give notice to such claimant, or to the legal representative of a deceased or incompetent taxpayer, of the time and place fixed for such hearing, and shall hold a hearing in conformity with the provisions of the Act, and pursuant thereto shall issue its Final Determination of the amount of credit, if any, found to be due as a result of such hearing, to such claimant, or to the legal representative of a deceased or incompetent taxpayer.
- 3) If a protest to the Department's Notice of Tentative Determination of Claim is not filed within 20 days and a request for a hearing thereon is not made as hereinabove provided, the said Notice shall thereupon become and operate as a Final Determination. (See Section 20 of the Act.)

f) Use of Credit Memoranda to Satisfy Prior Rights of Department

- 1) If, following the above procedure, a credit is found to be due, as evidence thereof a credit memorandum for such amount shall be issued in the name of the claimant. If there is an established unpaid assessment or an admitted unpaid liability under the Use Tax Act, or under the Retailers' Occupation Tax Act, or under the Service Occupation Tax Act, or under the Service Use Tax Act, or under a local Retailers' Occupation Tax or Service Occupation Tax administered by the Department against the claimant, or unpaid penalty, or unpaid interest, the amount of the credit shall be credited against the tax or penalty or interest due. If the credit is in an amount less than that of the unpaid liability, it shall be applied pro tanto.
- 2) If the amount of the credit exceeds that of the unpaid liability, after crediting an amount sufficient to liquidate or cancel out such unpaid liability, a new credit memorandum shall be issued for an amount representing the difference between that of the original credit found to be due and that of the liability liquidated or paid as aforesaid, and such new credit memorandum shall be delivered to the person entitled to receive delivery thereof, provided that no proceeding is pending

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

against the claimant to establish an unpaid liability under the Use Tax Act, or under the Retailers' Occupation Tax Act, or under the Service Occupation Tax Act, or under the Service Use Tax Act, or under a local Retailers' Occupation Tax or Service Occupation Tax administered by the Department.

- 3) If a proceeding to establish such an unpaid liability is pending, the credit memorandum shall be held by the Department until such proceeding is concluded; and if such proceeding results in the issuance of an assessment which becomes final, the credit shall be applied by the Department, to the extent which may be necessary, in liquidation of such assessment, or any interest that may accrue thereon, and the balance of the credit, if any (after cancellation of the credit memorandum applied in liquidation of such liability), shall be issued in the form of a new credit memorandum and delivered to the person entitled to receive delivery thereof.

(Source: Amended at 14 Ill. Reg. 6835, effective April 19, 1990.)

Section 150.1405 Disposition of Credit Memoranda by Holders Thereof

a) Assignment of Credit Memoranda

- 1) Credit memoranda issued hereunder may be assigned or transferred only after a request for that purpose is filed with the Department upon forms prescribed and furnished by it, and subject to the following conditions:
 - A) that the assignment is made to a person who is subject to the Use Tax Act, or to the Retailers' Occupation Tax Act, or to the Service Occupation Tax Act, or to the Service Use Tax Act;
 - B) that there is no proceeding pending to establish an unpaid liability against the assignor pursuant to notice given of the Department's proposal to assess an amount against him either under the Use Tax Act, or under the Retailers' Occupation Tax Act, or the Service Occupation Tax Act, or the Service Use Tax Act or under a local Retailers' Occupation Tax or Service Occupation Tax administered by the Department against him; and
 - C) that there is no established Use Tax, or Retailers' Occupation Tax, or Service Occupation Tax, or Retailers' Occupation assessment or admitted Use Tax, or Retailers' Occupation Tax, or Service Occupation Tax, or Service Use Tax liability, unpaid by the assignor, or unpaid Use Tax, or

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

~~Retailers' Occupation Tax, or Service Occupation Tax, or Service Use Tax penalty, or unpaid interest assessment or admitted tax liability or interest or penalty unpaid by the assignor, either under the Retailers' Occupation Tax Act, or under the Use Tax Act, the Service Occupation Tax Act, the Service Use Tax Act, or under a local Retailers' Occupation Tax or Service Occupation Tax administered by the Department: Provided, that if the amount of the credit memorandum must first be applied, in whole or in part, against an established unpaid assessment which has been issued to the claimant-assignor, or in total or partial liquidation of an unpaid admitted tax liability, or unpaid penalty, or unpaid interest, of the claimant-assignor, notice to this effect shall be given the claimant-assignor by the Department.~~

2) If any balance is due such claimant-assignor, after application of the credit memorandum in the manner and to the purposes aforesaid, such balance may be assigned upon receipt by the Department of instructions to that effect.

3) If there are no unpaid established assessments or unpaid admitted tax liabilities, or unpaid penalties, or unpaid amounts of interest due from the claimant-assignor, and if there are no pending proceedings as herein outlined against the claimant-assignor, and if the contemplated assignee is a person who is subject to the Use Tax Act, or the Retailers' Occupation Tax Act, or the Service Occupation Tax Act, or the Service Use Tax Act, the request for leave to assign shall be approved.

4) The original credit memorandum shall be canceled, and a new credit memorandum shall be issued to the assignee in the amount shown on the canceled memorandum.

5) However, before a credit memorandum is issued to the assignee, the amount of such credit shall be applied, to the extent that may be necessary, in liquidation of any established or admitted unpaid liability due from the assignee under the Use Tax Act, or Retailers' Occupation Tax Act, or Service Occupation Tax Act, or Service Use Tax Act, or under a local Retailers' Occupation Tax or Service Occupation Tax administered by the Department assessment which has been issued to such assignee, or in liquidation of any unpaid Use Tax, or Retailers' Occupation Tax, or Service Occupation Tax, or interest due from the assignee, or in liquidation of any unpaid admitted Use Tax, or Retailers' Occupation Tax, or Service Occupation Tax, or Service Use Tax liability of the assignee, and a credit memorandum for the balance of the credit, if any,

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

shall then be issued to the assignee: Provided that there is no proceeding pending against the assignee to establish an unpaid liability against him either under the Use Tax Act, or under the Retailers' Occupation Tax Act, or under the Service Occupation Tax Act, or under the Service Use Tax Act any of said Acts.

6) If a proceeding to establish such an unpaid liability is pending, the credit memorandum shall be held by the Department until such proceeding is concluded; and if such proceeding results in the issuance of an assessment which becomes final under the Act, the credit shall be applied by the Department, to the extent which may be necessary, in liquidation of such assessment, and any interest that may accrue thereon, and the balance of the credit, if any (after cancellation of the credit memorandum applied in liquidation of such liability), shall be issued in the form of a new credit memorandum and delivered to the assignor for transmittal to the assignee.

b) Submission of Credit Memoranda With Tax Returns

1) Credit memoranda, in the hands either of the original claimant or of his assignee, may be submitted to the Department, along with Use Tax returns, in payment of any tax liability or penalty or interest due under the Use Tax Act, or the Retailers' Occupation Tax Act, or the Service Occupation Tax Act, or the Service Use Tax Act, or under a local Retailers' Occupation Tax or Service Occupation Tax administered by the Department, the liability incurred by the holder of such credit memorandum. ~~the holder of the credit memorandum may also use it to pay any penalty or interest that may be due from him to the Department under the Use Tax Act, the Retailers' Occupation Tax Act, the Service Occupation Tax Act, or the Service Use Tax Act.~~

2) If, after applying any such credit memorandum against the amount of liability shown to be due by the tax return with which the credit memorandum is submitted, there is a balance of the credit memorandum in favor of the taxpayer, the Department will cancel the credit memorandum which the taxpayer submits with his return and will issue and deliver to such taxpayer a new credit memorandum for such balance. This process will be followed until the credit, to which such taxpayer is entitled, is exhausted.

3) However, any new credit memorandum, which is issued for a balance of credit due the taxpayer after applying the amount of a credit memorandum to the payment of current taxes, is subject to the prior rights of the Department to the same extent that

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

such prior rights take precedence when a credit memorandum is first issued (see ~~Section 150.1401(a)~~ Section 150.1401(a)) ~~of this Part~~ subsection (a) of this Section) or when leave to assign a credit memorandum is requested (see Section 150.1405(a) of this Part).

(Source: Amended at 14 Ill. Reg. 6835, effective April 19, 1990.)

Section 150.1415 Interest

a) Any credit or refund that is allowed under the Act shall bear interest at the rate of ~~1/2 of 1%~~ 1% per month or fraction thereof from the date when the erroneous payment for which the credit or refund is being allowed was made to the Department until the credit memorandum is issued or the refund is paid. ~~However, no interest will be paid for any period of time prior to April 17, 1963.~~

b) No interest will be allowed if the overpayment is found by the Department to have been made deliberately for the purpose of drawing interest, or if the overpayment is ascertained not to have been bona fide for some other reason.

c) When a claim that is allowed is paid by means of a credit memorandum instead of by means of a cash refund, the claim will be considered to have been paid when the credit memorandum is issued by the Department to the claimant, and no interest will be allowed or paid by the Department for any period subsequent to that, even if the claimant does not use or assign the credit memorandum immediately after it is issued.

(Source: Amended at 14 Ill. Reg. 6835, effective April 19, 1990.)

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT(S)

- 1) The Heading of the Part: Certificates of Title, Registration of Vehicles
- 2) Code Citation: 92 Ill. Adm. Code 1010
- 3) Section numbers: 1010.745
1010.750
Adopted Action: ~~Repealed~~
Repealed
- 4) Statutory Authority: Implementing Chapter 3 and authorized by Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, pars. 3-100 et seq. and 2-104(b))
- 5) Effective Date of Amendment: April 18, 1990
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: April 18, 1990
- 9) Notice of Proposal Published in Illinois Register: December 8, 1989, 13 Ill. Reg. 19235
- 10) Has JCAR issued a Statement of Objections to these amendments? No
- 11) Differences between proposal and final version:
 1. Section 1010.430 was omitted from the Table of Contents. It has now been inserted.
 2. In the Source note all emergency amendment citations have a comma after the effective date and before "for a maximum of 150 days". We inserted commas after June 14, 1978 and May 14, 1980
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these amendments replace an emergency rule amendment currently in effect? No
- 14) Are there any amendments pending on this Part? Yes

Section Numbers	Proposed Action	Illinois Register Citation
1010.170	New Section	14 Ill. Reg. 1853
1010.520	Amendment	14 Ill. Reg. 3022

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT(S)

15) Summary and Purpose of Rules: This rulemaking repeals Sections 1010.745 and 1010.750 because they have been replaced by Section 1010.710(e). The Signal 30 Permit for Foreign Registered Vehicles and the Signal 30-Year-Round for Prorated Fleets of Leased Vehicles have been replaced by the Temporary Prorate Authorization Permit.

16) Information and questions regarding these adopted amendments shall be directed to:

Robert B. Powers
Assistant Counsel to the Secretary
298 Centennial Building
Springfield, Illinois 62706
217/785-3094

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 92: TRANSPORTATION
CHAPTER II: SECRETARY OF STATE

PART 1010

CERTIFICATES OF TITLE, REGISTRATION OF VEHICLES

SUBPART A: DEFINITIONS

Section
1010.10
1010.20

Owner--Application of Term
Secretary and Department

SUBPART B: TITLES

Section
1010.110

Salvage Certificate--Additional Information Required to Accompany Application for a Certificate of Title for a Rebuilt or a Restored Vehicle Upon Surrendering Salvage Certificate
1010.120 Salvage Certificate--Assignments and Reassignments
1010.130 Exclusiveness of Lien on Certificate of Title
1010.140 Documents Required to Title and Register Imported Vehicles Not Manufactured in Conformity with Federal Emission or Safety Standards
1010.150 Transferring Certificates of Title Upon the Owner's Death
1010.160 Repossession of Vehicles by Lienholders and Creditors

SUBPART C: REGISTRATION

Section
1010.210

Application for Registration
1010.220 Vehicles Subject to Registration - Exceptions
1010.230 Refusing Registration or Certificate of Title
1010.240 Registration Plates To Be Furnished By The Secretary of State
1010.250 Applications For Reassignment

SUBPART D: REVOCATION, SUSPENSION AND CANCELLATION OF REGISTRATION

Section
1010.300

Operation of Vehicle after Cancellation, Suspension, or Revocation of any Registration
1010.310 Improper Use of Evidences of Registration
1010.320 Suspension, Cancellation or Revocation of Illinois Registration Plates and Cards and Titles
1010.330 Operation of Vehicle Without Proper Illinois Registration
1010.350 Suspension or Revocation
1010.360 Surrender of Plates, Decals or Cards

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT(S)

SUBPART E: SPECIAL PERMITS AND PLATES

Section
1010.410 Temporary Registration - Individual Transactions
1010.420 Temporary Permit Pending Registration In Illinois
1010.430 Registration Plates for Motor Vehicles Used for Transportation of Persons for Compensation and Tow Trucks
1010.440 Title and Registration of Vehicles with Permanently Mounted Equipment
1010.450 Special Plates
1010.451 Purple Heart License Plates
1010.452 Special Event License Plates
1010.455 Collectible License Plates
1010.456 Sample License Plates For Motion Picture and Television Studios
1010.460 Special Plates for Members of the United States Armed Forces Reserves
1010.470 Dealer Plate Records
1010.480 State of Illinois In-Transit Plates

SUBPART F: FEES

Section
1010.510 Determination of Registration Fees
1010.520 When Fees Returnable
1010.530 Circuit Breaker Registration Discount
1010.540 Maximum Fees for Distribution of Motor Vehicle Renewal Plates and/or Stickers

SUBPART G: MISCELLANEOUS

Section
1010.610 Unlawful Acts, Fines and Penalties
1010.620 Change of Engine

SUBPART H: SECOND DIVISION VEHICLES

Section
1010.705 Reciprocity
1010.710 Vehicle Proration
1010.715 Proration Fees
1010.720 Vehicle Apportionment
1010.725 Trip Leasing
1010.730 Intrastate Movements, Foreign Vehicles
1010.735 Interline Movements
1010.740 Trip and Short-term Permits
1010.745 Signal 30 Permit for Foreign Registered Vehicles (Repealed)

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT(S)

1010.750 Signal 30-Year-round for Prorated Fleets of Leased Vehicles (Repealed)
1010.755 Mileage Tax Plates
1010.756 Suspension or Revocation of Illinois Mileage Weight Tax Plates
1010.760 Transfer for "For-Hire" Loads
1010.765 Suspension or Revocation of Exemptions as to Foreign Registered Vehicles
1010.770 Required Documents for Trucks and Buses to detect "intrastate" movements
1010.775 Certificate of Safety

APPENDIX A Uniform Vehicle Registration Proration and Reciprocity Agreement
APPENDIX B International Registration Plan

AUTHORITY: Implementing Chapter 3 and authorized by Section 2-104(b) of the Illinois Vehicle Title & Registration Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95, pars. 3-100 et seq. and 2-104(b)).

SOURCE: Filed and effective December 15, 1970; emergency amendments at 2 Ill. Reg. 25, p. 119, effective June 14, 1978, for a maximum of 150 days; amended at 3 Ill. Reg. 12, p. 76, effective March 23, 1979; amended at 3 Ill. Reg. 29, p. 123, effective July 20, 1979; amended at 4 Ill. Reg. 17, p. 247, effective April 11, 1980; emergency amendments at 4 Ill. Reg. 21, p. 99, effective May 14, 1980, for a maximum of 150 days; amended at 6 Ill. Reg. 2241, effective February 1, 1982; amended at 6 Ill. Reg. 11076, effective August 26, 1982; codified at 6 Ill. Reg. 12674; amended at 7 Ill. Reg. 1432, effective January 21, 1983; amended at 7 Ill. Reg. 1436, effective January 21, 1983; amended at 8 Ill. Reg. 5329, effective April 6, 1984; amended at 9 Ill. Reg. 3358, effective March 1, 1985; amended at 9 Ill. Reg. 9176, effective May 30, 1985; amended at 9 Ill. Reg. 12863, effective August 2, 1985; amended at 9 Ill. Reg. 14711, effective September 13, 1985; amended at 10 Ill. Reg. 1243, effective January 6, 1986; amended at 10 Ill. Reg. 4245, effective February 26, 1986; amended at 10 Ill. Reg. 14308, effective August 19, 1986; recodified at 11 Ill. Reg. 15920; amended at 12 Ill. Reg. 14711, effective September 15, 1988; amended at 12 Ill. Reg. 15193, effective September 15, 1988; amended at 13 Ill. Reg. 1598, effective February 1, 1989; amended at 13 Ill. Reg. 5173, effective April 1, 1989; amended at 13 Ill. Reg. 7965, effective May 15, 1989; amended at 13 Ill. Reg. 15102, effective September 15, 1989; amended at 14 Ill. Reg. 6848, effective April 18, 1990.

Section 1010.745 Signal 30 Permit for Foreign Registered Vehicles (Repealed)

- a) Where an application for a Reciprocity Permit or Prorate Decal is filed, a qualified applicant may also file an "Application Pending File Card" with the Secretary of State, for each unit affected. Such card is placed in the "Pending File" of a qualified applicant.
- b) A "qualified applicant" is one whose basic application for

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT(S)

qualification has been processed by the Secretary of State and who is not in default to the State of Illinois.

- c) Such "Application Pending File Card" is valid for 30 days and during that period, the unit to which it applies may be operated pending the receipt of a Reciprocity Permit or Prorate Decal, and such vehicle will be given clearance by the Secretary of State in the event such unit is apprehended, and the police officer asks for such clearance, during said 30 day period.

(Source: Repealed at 14 Ill. Reg. 6848, effective April 18, 1990)

Section 1010.750 Signal 30-Year-round for Prorated Fleets of Leased Vehicles (Repealed)

- a) Where an application for Proration of a fleet of leased vehicles has been filed by the lessor who leases such vehicles to persons who are not fleet operators, and such application has been approved, then that qualified applicant may apply for the privilege of prequalifying for future proration, any vehicles which were not includable and not included within the proration application.
- b) The Secretary, upon receipt of the approved surety bond or certificate of deposit, submitted with such prequalification application, shall establish a permanent "Application Pending File Card" for such qualified applicant. Any vehicle listed on the prequalification application and operated by such qualified applicant which is not displaying the Illinois Prorate Decal will be given clearance by the Secretary of State in the event such vehicle is apprehended.
- c) Such year-round Signal 30 privilege shall continue in effect so long as the qualified applicant is not in default in filing supplemental proration applications or in making payment of fees and taxes due for proration of the registrations involved.
- d) In addition, that Signal 30 privilege is also subject to revocation for cause.

(Source: Repealed at 14 Ill. Reg. 6848, effective April 18, 1990)

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT(S)

- 1) The Heading of the Part: Departmental Duties
- 2) Code Citation: 2 Ill. Adm. Code 552
- 3) Section numbers: 552.10
Adopted Action: Amendment
- 4) Statutory Authority: Implementing and authorized by Section 4.01 of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1987, ch. 127, par. 1004.01)
- 5) Effective Date of Amendment: May 1, 1990
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: May 1, 1990
- 9) Notice of Proposal Published in Illinois Register: Not applicable
- 10) Has JCPR issued a Statement of Objections to these amendments? Not applicable
- 11) Differences between proposal and final version:
 1. Updated citations to Ill. Rev. Stat. from 1985 to 1987.
 2. In Section 552.10(a) deleted "130.110" and added "130.120".
 3. In Section 552.10(a) deleted Section "12" and added Section "10".
 4. In Section 552.10, third sentence, capitalized the "s" in the word "section".
 5. In Section 552.10(a), second line, after the word "under" added the words "Section 10 of".
 6. In Section 552.10(a), last sentence, after the word "Law" added "of 1953".
 7. In Section 552.10(b) capitalized the "f" in the word "for" in the phrase General Not for Profit. Added the word "Corporation" following the word "Profit".
 8. In Section 552.10(b) deleted "Public Act 85-858" and added "Ill. Rev. Stat. 1987, ch. 17, par. 155-1 et seq.".

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT(S)

9. In Section 552.10, line 9, deleted the word "Corporations" and added the words "Business Services".
10. In Section 552.10(c), added after the word "under" in line 2 the phrase "Section 10.1".
11. In Section 552.10(d) added parentheses around the letters "a, b or c". Also capitalized the "s" in the word "section".
12. In Section 552.10(d) updated the Acts so they are correct.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Not applicable
- 13) Will these amendments replace an emergency rule amendment currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rules: This amendment corrects a regulation and statutory citation under the Illinois Securities Act on the rule on service of process. The amendment changes the reference to a department's name, and changes the citations to the Illinois Revised Statutes from the 1985 edition to the 1987 edition.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Philip S. Howe
Counsel to the Secretary
298 Centennial Building
Springfield, Illinois 62706
217/785-3094

The full text of the Adopted Amendment begins on the next page:

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 2: GOVERNMENTAL ORGANIZATION
SUBTITLE C: CONSTITUTIONAL OFFICERS
CHAPTER III: SECRETARY OF STATE

PART 552
DEPARTMENTAL DUTIES

Section
552.10 Service of Process Upon the Secretary of State
552.20 Filing of Miscellaneous Documents with the Secretary of State

AUTHORITY: Implementing and authorized by Section 4.01 of the Illinois Administrative Procedure Act (Ill. Rev. Stat., 1985 1987, ch. 127, par. 1004.01)

Source: Adopted at 12 Ill. Reg. 3022, effective February 1, 1988; amended at 14 Ill. Reg. 6854, effective May 1, 1990.

Section 552.10 Service of Process Upon the Secretary of State

The following procedure for substitute service of process upon the Secretary of State shall apply for the specific statute cited. The specific Department of the Office of the Secretary of State stated herein, shall receive the service of process and retain the records thereof in accordance with the applicable statutes and rules. Nothing in this section Section or Section 552.20 shall affect in any way any substantive or procedural rights granted by the statutes referred to herein. Any service of process sent to the incorrect department within the Office of the Secretary of State shall be sent by that department's staff to the correct department as designated by this section and Section 552.20. These sections are intended only to allocate the responsibilities for the receipt and storage of service of process within the Office of the Secretary of State.

- a) In cases involving the sale of securities, service of process upon the Secretary of State under Section 10 of the Illinois Securities Law of 1953 (Ill. Rev. Stat. 1985 1987, ch. 121 1/2, par. 137.10), shall be made in accordance with 14 Ill. Adm. Code 130.120, and delivered to the Securities Department, 900 South Spring Street, Springfield, Illinois 62704, except that service of process by the Securities Department itself pursuant to Sections 10, 11, 12, or 13 of the Illinois Securities Law of 1953 shall be made upon the Index Department.
- b) In cases involving corporations under the Business Corporation Act of 1983 (Ill. Rev. Stat. 1985 1987, ch. 32, par. 1.01 et seq.) or the

SECRETARY OF STATE

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT(S)

NOTICE OF ADOPTED AMENDMENT(S)

General Not for Profit Corporation Act of 1986 (Ill. Rev. Stat. 1985 1987, ch. 32, par. 101.01 et seq.) on the Corporate Fiduciary Act (Public Act 85-858) (Ill. Rev. Stat. 1987, ch. 17, par. 1551-1 et seq.), service of process upon the Secretary of State shall be made in accordance with 14 Ill. Adm. Code 150, Subpart E and 14 Ill. Adm. Code 160.17, and delivered to the Corporations Business Services Department, Room 300, Centennial Building, Springfield, Illinois 62756.

Ill. Rev. Stat. 1985 1987, ch. 120, par. 439.113, (Service Occupation Tax Act)

Ill. Rev. Stat. 1985 1987, ch. 120, par. 444(i), (Retailers' Occupation Tax Act)

Ill. Rev. Stat. 1985 1987, ch. 140, pars. 10 and 16, (Trademarks "AN ACT to provide for the registration and protection of trade-marks, service marks and trade-names, to make an appropriation in connection therewith, and to repeal an Act herein named.")

c) In cases involving a motor vehicle collision involving a non-resident, service of process upon the Secretary of State under Section 10.1 the Illinois Vehicle Code (Ill. Rev. Stat. 1985 1987, ch. 95 1/2, par. 10-301), shall be delivered to the Department of Administrative Hearings, Room 207, Centennial Building, Springfield, Illinois 62756.

e) In cases involving the Secretary of State as a party, such as any administrative review actions contesting a rule or procedure of any Secretary of State department, any civil rights actions and personnel actions, service of process shall be made upon the General Counsel, Room 298, Centennial Building, Springfield, Illinois 62756.

d) In cases where service of process upon the Secretary of State is permitted under one of the following statutes, and in all other cases to which subsections (a), (b), or (c) of this section do not apply, service shall be made upon the Index Department, 111 East Monroe Street, Springfield, Illinois 62756:

Ill. Rev. Stat. 1985 1987, ch. 43, par. 165(a), (The Liquor Control Tax Act of 1934)

(Source: Amended at 14 Ill. Reg. 6854, effective May 1, 1990)

Ill. Rev. Stat. 1985 1987, ch. 48, par. 688, (The Unemployment Compensation Insurance Act)

Ill. Rev. Stat. 1985 1987, ch. 73, par. 733-6 et seq., (The Illinois Unauthorized Insurance Companies Code)

Ill. Rev. Stat. 1985 1987, ch. 110, par. 2-209 as amended by P.A. 85-907, (Civil Practice Law Products Liability - \$5.00 filing fee)

Ill. Rev. Stat. 1985 1987, ch. 110, par. 2-210, (Civil Practice Law Aircraft and Ship Owners and Operators - \$2.00 filing fee)

Ill. Rev. Stat. 1985 1987, ch. 120, par. 14-1404, (The Illinois Income Tax Act)

Ill. Rev. Stat. 1985 1987, ch. 120, par. 439.12a, (Use Tax Act)

Ill. Rev. Stat. 1985 1987, ch. 120, par. 439.43, (Service Use Tax Act)

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT(S)

1) Heading of Part: Illinois Safety Responsibility Law

2) Code Citation: 92 Ill. Adm. Code 1070

3) Section Numbers Adopted Action

1070.90 New Section

4) Statutory Authority: Sections 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, pars. 2-104(b)) and Sections 7-100 et seq. of the Illinois Safety Responsibility Law of the Illinois Vehicle Code. (Ill. Rev. Stat. 1987, ch. 95 1/2, pars. 7-100 et seq.)

5) Effective Date of Amendment: April 24, 1990

6) Does this rulemaking contain an automatic repeal date? Yes X No.

7) Does this amendment contain incorporations by reference? No.

8) Date Filed in Agency's Principal Office: April 24, 1990

9) Notice of Proposal Published in Illinois Register: 13 Ill. Reg. 19116 (December 22, 1989).

10) Has JCAR Issued a Statement of Objections to this Rule? No.

11) Differences between proposal and final version.

Pursuant to suggestions from the Administrative Code Division, Office of the Secretary of State, the following changes were made:

In the Authority note "of the Illinois Vehicle Code" was inserted immediately following "Illinois Safety Responsibility Law" and the underlining from "et seq." was deleted.

In the Source Note, line 3, "8 Ill. Reg. 50" was deleted and replaced with "11 Ill. Reg. 20215 and the current action was changed from 13 Ill. Reg. to 14 Ill. Reg."

In Section 1070.90(a), the definition of "Dead Judgment" was placed in the correct alphabetical order.

In Section 1070.90(c), the unlabeled paragraphs following (1)(C) and (1)(B) were labeled and indented to the correct level.

In Section 1070.90(f), line 1, the word "shall" was changed to "will"; in line 2, the words "Public Act" were changed to "P.A. 86-500, effective January 1, 1990."

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT(S)

In accordance with an agreement reached with the Joint Committee on Administrative Rules, the following changes were made:

At Section 1070.90(b)(1), line 1, after the word "half" the words "or docket" were added. Additionally, in line 1, after the word "sheet" the words "maintained by the clerk of the court" were added.

At Section 1070.90(c), line 3, immediately after "financial responsibility" the word "insurance" was added; additionally, in line 4, the following was added after "(3) accumulated years": "in accordance with the Illinois Safety Responsibility Law of the Illinois Vehicle Code. (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 7-100 et seq.); also the subsections were re-labeled as 1) (A), (B), (C), etc."

At Section 1070.90(c)(1), the word "insurance" was added immediately following "financial responsibility"; the same was done at subsections (c)(1)(B) and (c)(3).

At Section 1070.90(c)(3)(B), line 4, the word "insurance" was added along with a period immediately following the words "financial responsibility". The last sentence was changed to read as follows: "The suspension shall be closed when three (3) years of financial responsibility insurance have been accumulated."

At Section 1070.90(d)(2), following the word "half" the words "or docket" were added; also following the word "sheet" the words "maintained by the clerk of the court" were added.

At Section 1070.90(e)(1) immediately after "accepted" the following words were added: "in accordance with subsection (b) above."

12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the Agreement Letter issued by JCAR? Yes.

13) Will this rule replace any Emergency Rule(s) currently in effect? No.

14) Are there any other amendments pending on this Part?

Section Numbers	Proposed Action	Illinois Register Citation
1070.50	Amendment	14 Ill. Reg. 2526 (February 16, 1990)

15) Summary and Purpose of Rule: This rulemaking establishes the procedures by which a suspension may, at the request of a debtor, be cleared from the driving record because the judgment forming the basis for the suspension is dormant. The rulemaking also describes the acceptable proof of revival of the judgment by the judgment creditor. Finally, the rulemaking addresses the treatment of suspensions entered because of unpaid judgments now dead.

NOTICE OF ADOPTED AMENDMENT(S)

- 16) Information and answers to questions regarding this Adopted Rule should be directed to:

Nancy S. Short
Assistant Counsel to the Secretary
2701 S. Dirksen Parkway
Springfield, IL 62723
Tel: 217/782-5356

The full text of the Adopted Rule begins on the next page.

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 92: TRANSPORTATION
CHAPTER II: SECRETARY OF STATE

PART 1070

ILLINOIS SAFETY RESPONSIBILITY LAW

Section	
1070.10	Forms of Security
1070.20	Future Proof
1070.30	Installment Agreements
1070.40	Disposition of Security
1070.50	Failure to Satisfy Judgment
1070.60	Release From Liability
1070.70	Incomplete Unsatisfied Judgment
1070.80	Driver's License Restriction for Exclusive Operation of Commercial Vehicles
1070.90	Dormant and Dead Judgments

AUTHORITY: Implementing and authorized by the Illinois Safety Responsibility Law of the Illinois Vehicle Code. (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 7-100 et seq.).

SOURCE: Filed and effective December 17, 1971; codified at 6 Ill. Reg. 12674; repealed at 7 Ill. Reg. 13678, effective October 14, 1983; new part adopted at 8 Ill. Reg. 1111 Reg. 20215, effective November 30, 1987; amended at 14 Ill. Reg. 6859, effective April 24, 1990

Section 1070.90 Dormant and Dead Judgments

a) For purposes of this Section, the following definitions shall apply:

"Dead Judgment" - an unpaid judgment which is twenty (20) years old or more. (Ill. Rev. Stat. 1987, ch. 110, par. 13-218.)

"Debtor" - one who owes a debt.

"Department" - Department of Driver Services within the Office of the Secretary of State.

"Dormant Judgment" - an unpaid judgment which is seven (7) years old or more and has not been revived by petition. (Ill. Rev. Stat. 1987, ch. 110, par. 12-108.)

"Judgment Creditor" - one who is owed money due to a court judgment in his/her favor and against the debtor.

"Revival of Judgment" - to render enforceable an unpaid dormant judgment by filing a petition for revival.

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT(S)

b) A debtor may request that a suspension on his/her driving record be cleared because the judgment forming the basis for the suspension is dormant. The following documentation shall serve as proof of dormancy:

1) A certified or file stamped copy of a half or docket sheet maintained by the clerk of the court evidencing the fact that seven (7) years have expired from the time the original judgment was rendered and that the judgment has not been revived by petition; or

2) A court order or written verification on official letterhead, by a judge or clerk of the court, that seven (7) years have expired from the time the original judgment was rendered and that the judgment has not been revived by petition; or

3) Written verification on official letterhead, by a judge or clerk of the court, that the required documentation has been destroyed or is not otherwise available and that no records of court show that the judgment has been revived by petition or is in effect.

c) Upon receipt of the required documentation from the debtor, the Safety and Financial Responsibility Section of the Department shall determine if the debtor has filed proof of financial responsibility insurance for three (3) accumulated years in accordance with the Illinois Safety Responsibility Law of the Illinois Vehicle Code. (Ill. Rev. Stat. 1987, ch. 95 1/2, ch. 7-100 et seq.) If the judgment is under \$250, proof of financial responsibility insurance is not required.

1) If proof of financial responsibility insurance has been given, the Safety and Financial Responsibility Section shall notify the debtor via letter of the following:

A) Necessary documentation has been received and accepted evidencing the fact that the judgment is dormant and has not been revived by petition;

B) Proof of financial responsibility insurance has been given for three (3) accumulated years; and

C) The suspension will be cleared and made effective a date certain.

2) Carbon copies of the correspondence will be sent to the debtor's attorney and the judgment creditor and his/her attorney, if their addresses are on file.

3) If proof of financial responsibility insurance has not been given and is required (judgment over \$250), the Safety and Financial Responsibility Section shall notify the debtor via letter of the following:

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT(S)

A) Necessary documentation has been received and accepted evidencing the fact that the judgment is dormant and has not been revived by petition; and

B) Proof of financial responsibility insurance must be given and maintained for three (3) accumulated years. The suspension shall be cleared upon accepting proof of financial responsibility insurance. The suspension shall be closed when three (3) years of financial responsibility insurance have been accumulated.

4) Carbon copies of the correspondence will be sent to the debtor's attorney and the judgment creditor and his/her attorney, if their addresses are on file.

d) A dormant judgment may be revived by petition anytime prior to the expiration of the twenty (20) year limitation period. The following documents shall be considered adequate proof of revival by the judgment creditor:

1) A certified or file stamped copy of the petition for revival; or

2) A certified or file stamped copy of a half or docket sheet maintained by the clerk of the court evidencing the fact the original judgment has been revived by petition; or

3) Written verification on official letterhead by a judge or clerk of the court, that the original judgment has been revived by petition.

e) Upon receipt of the required documentation of the judgment's revival from the judgment creditor, the Safety and Financial Responsibility Section shall notify the judgment creditor and his/her attorney and the debtor and his/her attorney that:

1) Proof of revival has been received and accepted in accordance with subsection (b) above by the Department; and

2) If the original suspension has already been cleared, a new suspension will be entered and made effective a date certain; or

3) If the original suspension has not been cleared, it will remain in effect.

f) All suspensions entered because of unpaid judgments now dead will be removed and terminated, pursuant to P.A. 86-500, effective January 1, 1990, from the driver's license file and the files of the Safety and Financial Responsibility Section.

(Source: Added at 14 Ill. Reg. 6859, effective April 24, 1990.)

DEPARTMENT OF CONSERVATION

NOTICE OF EMERGENCY AMENDMENTS

1) HEADING OF THE PART: Sport Fishing Regulations for the Waters of Illinois

2) CODE CITATION: 17 Ill. Adm. Code 810

3) SECTION NUMBERS: EMERGENCY ACTION:

810.40
Amendments

4) STATUTORY AUTHORITY: Implementing and authorized by Sections 1.4, 1.5, 1.10, 2.1, 3.1, 3.2, 3.3, 3.4, 3.5, 3.6, 3.7, 3.9, 3.10, 3.12, 3.14, 3.18, 3.19, 4.11, 5.1, 5.7, and 6.1 of the Fish Code of 1971 (Ill. Rev. Stat. 1987, ch. 56, pars. 1.4, 1.5, 1.10, 2.1, 3.1, 3.2, 3.3, 3.4, 3.5, 3.6, 3.7, 3.9, 3.10, 3.12, 3.14, 3.18, 3.19, 4.11, 5.1, 5.7, and 6.1)

5) EFFECTIVE DATE OF AMENDMENTS: April 17, 1990

6) IF THIS EMERGENCY AMENDMENT IS TO EXPIRE BEFORE THE END OF THE 150-DAY PERIOD, PLEASE SPECIFY THE DATE ON WHICH IT IS TO EXPIRE: This emergency amendment will remain in effect for the 150-day period.

7) DATE FILED IN AGENCY'S PRINCIPAL OFFICE: April 17, 1990

8) REASON FOR EMERGENCY:

In the fall of 1987, the Department stocked 200 breeder white crappie into Lake Jacksonville. In the fall of 1988 populations sample, no Y-O-Y crappie were collected, which is not uncommon with this species. Consequently, Department personnel were not sure if a spawn had occurred, and if so, how strong it was. In the fall of 1989 sample, the Department collected 107 crappie ranging from 180mm-240mm (7.2" - 9.6") in two hoop nets and two hours of electrofishing. The District biologist also talked to several fishermen who were catching white crappie in large numbers at that time. This led the Department to believe that a crappie limit would be necessary to protect this new stocking. Originally we had intended to go through the usual Administrative Rule process, however, in late February of 1990, reports of large catches began filtering into our offices.

9) A COMPLETE DESCRIPTION OF THE SUBJECTS AND ISSUED INVOLVED:

On March 14, 1990, the Department received a call from the Superintendent of Parks and Lakes for the City of Jacksonville. He reported that excessive harvest of crappie

DEPARTMENT OF CONSERVATION

NOTICE OF EMERGENCY AMENDMENTS

was occurring. He knew of at least thirty fishermen who had harvested over 100 fish per day. Many others were catching 50-100 fish per day. His input, coupled with our survey data prompted this emergency action. We cannot afford to lose the resource we have worked so hard to create.

10) ARE THERE ANY PROPOSED AMENDMENTS TO THIS PART PENDING? Yes
Section Number Proposed Action Illinois Register Citation
810.70 Amendments 14 Ill. Reg. 2419
February 16, 1990

11) STATEMENT OF STATEWIDE POLICY OBJECTIVES (if applicable): Not Applicable

12) INFORMATION AND QUESTIONS REGARDING THESE AMENDMENTS SHALL BE DIRECTED TO:

Jack Price
Department of Conservation
524 S. Second Street, Room 485
Springfield, IL 62701-1787

THE FULL TEXT OF THE EMERGENCY AMENDMENTS BEGINS ON THE NEXT PAGE:

DEPARTMENT OF CONSERVATION

NOTICE OF EMERGENCY AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF CONSERVATION
SUBCHAPTER b: FISH AND WILDLIFE

PART 810

SPORT FISHING REGULATIONS FOR THE WATERS OF ILLINOIS

Section	
810.10	Sale of Fish and Fishing Seasons
810.20	Snagging
810.30	Pole and Line Fishing Only
810.40	Daily Catch and Size Limits
EMERGENCY	
810.50	Bait Fishing
810.60	Bullfrogs
810.70	Free Fishing Days
810.80	Emergency Protective Regulations
810.90	Tagged Fishing Tournament Permit
810.100	Bed Protection

AUTHORITY: Implementing and authorized by Sections 1.4, 1.5, 1.10, 2.1, 3.1, 3.2, 3.3, 3.4, 3.5, 3.6, 3.7, 3.9, 3.10, 3.12, 3.14, 3.18, 3.19, 4.11, 5.1, 5.7, and 6.1 of the Fish Code of 1971 (Ill. Rev. Stat. 1987, ch. 56, pars. 1.4, 1.5, 1.10, 2.1, 3.1, 3.2, 3.3, 3.4, 3.5, 3.6, 3.7, 3.9, 3.10, 3.12, 3.14, 3.18, 3.19, 4.11, 5.1, 5.7, and 6.1)

SOURCE: Adopted at 5 Ill. Reg. 751, effective January 8, 1981; codified at 5 Ill. Reg. 10647; amended at 6 Ill. Reg. 342, effective December 23, 1981; amended at 6 Ill. Reg. 7411, effective June 11, 1982; amended at 7 Ill. Reg. 209, effective December 22, 1982; amended at 8 Ill. Reg. 1564, effective January 23, 1984; amended at 8 Ill. Reg. 16769, effective August 30, 1984; amended at 9 Ill. Reg. 2916, effective February 26, 1985; emergency amendments at 9 Ill. Reg. 3825, effective March 13, 1985, for a maximum of 150 days; emergency expired August 10, 1985; amended at 9 Ill. Reg. 6181, effective April 24, 1985; amended at 9 Ill. Reg. 14291, effective September 5, 1985; amended at 10 Ill. Reg. 4835, effective March 6, 1986; amended at 11 Ill. Reg. 4638, effective March 10, 1987; amended at 12 Ill. Reg. 5306, effective March 8, 1988; emergency amendments at 12 Ill. Reg. 6981, effective April 4, 1988, for a maximum of 150 days; emergency expired September 1, 1988; emergency amendments at 12 Ill. Reg. 10525, effective June 7, 1988, for a maximum of 150 days; emergency expired November 4, 1988; amended at 12 Ill. Reg. 15982, effective September 27, 1988; amended at 13 Ill. Reg. 8419, effective May 19, 1989; emergency amendments at 13 Ill. Reg. 12643, effective July 14, 1989, for a

DEPARTMENT OF CONSERVATION

NOTICE OF EMERGENCY AMENDMENTS

maximum of 150 days; emergency expired December 11, 1989; emergency amendments at 13 Ill. Reg. 14085, effective September 4, 1989, for a maximum of 150 days; emergency expired February 1, 1990; emergency amendments at 13 Ill. Reg. 15118, effective September 11, 1989, for a maximum of 150 days; emergency expired February 8, 1990; amended at 14 Ill. Reg. ⁶¹⁶⁴, effective April 17, 1990; emergency amendments at 14 Ill. Reg. ⁶⁸⁶⁵, effective April 17, 1990, for a maximum of 150 days.

Section 810.40 Daily Catch and Size Limits
EMERGENCY

- Length is measured from the tip of the snout to the end of the tail with the fish laid flat on a ruler, with mouth closed and tail lobes pressed together.
- No Person may remove the head or tail of fishes to which length limits apply while on the waters to which length limits apply. Regardless of where taken, no fish less than the specified minimum length or more than the daily catch shall be possessed on the waters to which length limits and/or daily catch limits apply.

Limits by type of fish

1) CHANNEL CATFISH

A) Statewide Regulations.

There are no daily catch or size limits except in those waters listed under Site Specific Regulations.

B) Site Specific Regulations.

Daily catch limit is 6 channel catfish in the following waters:

Allison Lake, City of Allison, Logan County

Andover Lake, City of Andover, Henry County

Argyle Lake, Argyle Lake State Park, McDonough County

DEPARTMENT OF CONSERVATION

NOTICE OF EMERGENCY AMENDMENTS

Ashland Reservoir, City of Ashland, Cass County

Ashley Reservoir, City of Ashley, Washington County

Banner Marsh Lakes and Ponds, Banner Marsh State Fish and Wildlife Area, Peoria and Fulton Counties

Bay Creek Lake, U.S. Forest Service, Pope County

Beall Woods Lake, Beall Woods Conservation Area, Wabash County

Beaver Dam Lake, Beaver Dam State Park, Macoupin County

Borah Lake, City of Olney, Richland County

Buckner City Reservoir, City of Buckner, Franklin County

Bunker Hill Lake, City of Bunker Hill, Macoupin County

Burrells Wood Park Pond, White County

Canton Lake, City of Canton, Fulton County

Carthage Lake, City of Carthage, Hancock County

Charleston Side Channel Lake, City of Charleston, Coles County

Charlie Brown Park Lake and Pond, City of Flora, Clay County

Citizen's Lakes (North and South), City of Monmouth, Warren County

Cook County Forest Preserve District (Busse Lake, Maple Lake and Tampier Lake), Cook County

DEPARTMENT OF CONSERVATION

NOTICE OF EMERGENCY AMENDMENTS

Coulterville City Lake, City of Coulterville, Randolph County

Crawford County Conservation Area Ponds, Crawford County

Dawson Lake and Park Ponds, Moraine View State Park, McLean County

Decatur Park District Ponds, City of Decatur, Macon County

Defiance, Tomahawk, Warrior and Wilderness Lakes, Moraine Hills State Park, McHenry County

Dolan Lake, Hamilton County Conservation Area, Hamilton County

Donut Lake, Palatine Park District, Cook County

Dutchman Lake, Shawnee National Forest, Johnson County

East Fork Lake, City of Olney, Richland County

Eldorado New City Lake, City of Eldorado, Saline County

Ferne Clyffe Lake, Ferne Clyffe State Park, Johnson County

Fitch and Bond Lake, Canton Park District, Fulton County

Forbes State Lake and Ponds, Stephen A. Forbes State Park, Marion County

Forest Park Lagoon, City of Shelbyville, Shelby County

Four Lakes, Winnebago County Forest Preserve, Winnebago County

Fox Ridge Lake, Fox Ridge State Park,

DEPARTMENT OF CONSERVATION

NOTICE OF EMERGENCY AMENDMENTS

Coles County

Frank Holten Lakes, Frank Holten State Park, St. Clair County

Gale Lake, Village of East Galesburg, Knox County

Gillespie New City Lake, City of Gillespie, Macoupin County

Gillespie Old City Lake, City of Gillespie, Macoupin County

Gladstone Lake, Henderson County Conservation Area, Henderson County

Greenfield Old City Lake, Kingsbury Park District, Bond County

Greenville Old City Lake, City of Greenville, Bond County

Harrisburg New City Reservoir, City of Harrisburg, Saline County

Heidecke Lake State Fish and Wildlife Area, Grundy County

Herrick Lake, DuPage County

Hidden Springs State Forest Ponds, Shelby County

Highland Old City Lake, City of Highland, Madison County

Hillsboro Old City Lake, City of Hillsboro, Montgomery County

Homer Lake, Champaign County Forest Preserve District, Champaign County

Hormel Ponds, Donnelly State Fish and Wildlife Area, Bureau County

Horseshoe Lake, Horseshoe Lake Conservation Area, Alexander County

DEPARTMENT OF CONSERVATION

NOTICE OF EMERGENCY AMENDMENTS

Horton Lake, Nauvoo State Park, Hancock County

Illinois and Michigan Canal, Illinois and Michigan Canal State Trail, Grundy, Will and LaSalle Counties

Illinois Beach State Park Ponds, Illinois Beach State Park, Lake County

Illinois Department of Transportation Lake, Illinois Department of Transportation, Sangamon County

Johnson Sauk Trail Lake and Pond, Johnson Sauk Trail State Park, Henry County

Jones Park Lake, City of East St. Louis, St. Clair County

Jones State Lake, Saline County Conservation Area, Saline County

Jubilee College State Park Ponds, Jubilee College State Park, Peoria County

Kendall County Lake #1, Kendall County Forest Preserve, Kendall County

Kickapoo State Park Lakes and Ponds, Vermilion County

Lake Atwood, McHenry County Conservation District, McHenry County

Lake Carlton, Morrison-Rockwood State Park, Whiteside County

Lake County Forest Preserve District Lakes, County of Lake, Lake County

Lake George, Loud Thunder Forest Preserve, Rock Island Forest Preserve District, Rock Island County

DEPARTMENT OF CONSERVATION

NOTICE OF EMERGENCY AMENDMENTS

Lake Glendale, Shawnee National Forest,
Pope County

Lake Jacksonville, City of Jacksonville,
Morgan County

Lake Kakusha, City of Mendota, LaSalle
County

Lake Le-Aqua-Na, Lake Le-Aqua-Na State
Park, Stephenson County

Lake Mendota, City of Mendota, LaSalle
County

Lake Milliken, Des Plaines Conservation
Area, Will County

Lake Mingo and Ponds, Kennukuk Cove
Park, Vermilion County Conservation
District, Vermilion County

Lake Murphysboro, Lake Murphysboro State
Park, Jackson County

Lake Nellie, City of St. Elmo, Fayette
County

Lake Paradise Shadow Ponds, City of
Mattoon, Coles County

Lake of the Woods and Elks Pond,
Champaign County Forest Preserve
District, Champaign County

Lake Shelbyville State Fish and Wildlife
Area Ponds, Lake Shelbyville State Fish
and Wildlife Area, Moultrie County

Lake Shelbyville Project Ponds and Woods
Lake (but not Lake Shelbyville), U. S.
Army Corps of Engineers, Moultrie and
Shelby Counties

Lake Storey, City of Galesburg, Knox
County

Lake Vandalia, City of Vandalia, Fayette

DEPARTMENT OF CONSERVATION

NOTICE OF EMERGENCY AMENDMENTS

County

Lake Williamsville, City of
Williamsville, Sangamon County

Lincoln Trail Lake, Lincoln Trail State
Park, Clark County

Little Cedar Lake, Shawnee National
Forest, Jackson County

Little Grassy Lake, U.S. Fish and
Wildlife Service, Williamson County

Little Sister Lake, County of Fulton,
Fulton County

Lyerla Lake, Union County Conservation
Area, Union County

Macon County Ponds, Macon County
Conservation District, Macon County

Mazonia-Braidwood State Fish and
Wildlife Area Lakes and Ponds, Mazonia-
Braidwood State Fish and Wildlife Area,
Grundy and Will Counties

McCullom Lake, McHenry County
Conservation District, McHenry County

McLeansboro City Lakes, City of
McLeansboro, Hamilton County

Mermet Lake, Mermet Lake Conservation
Area, Massac County

Middle Fork Forest Preserve Park Ponds,
Champaign County Forest Preserve,
Champaign County

Mill Creek Lake, Clark County Park
District, Clark County

Miller Park Lake, City of Bloomington,
McLean County

Monee Reservoir, Will County Forest

DEPARTMENT OF CONSERVATION

NOTICE OF EMERGENCY AMENDMENTS

Preserve District, Will County
 Montrose Lake, City of Montrose, Effingham County
 Mt. Olive City Lakes, City of Mt. Olive, Macoupin County
 Mt. Sterling Lake, City of Mt. Sterling, Brown County
 Mundelein Park District (Diamond Lake and Park Ponds), City of Mundelein, Lake County
 Nashville City Lake, City of Nashville, Washington County
 Oakhurst Lake, City of Aurora, Kane County
 Oakland City Lake, City of Oakland, Coles County
 One Horse Gap Lake, Shawnee National Forest, Pope County
 Palmyra City Lake and Terry Park Pond, City of Palmyra, Macoupin County
 Pana Lake, City of Pana, Shelby and Christian Counties
 Paris East and West Lakes, City of Paris, Edgar County
 Pierce Lake, Rock Cut State Park, Winnebago County
 Pocahontas Park Pond, City of Pocahontas, Bond County
 Pounds Hollow Lake, Shawnee National Forest, Gallatin County
 Powerton Lake, Powerton Lake Conservation Area, Tazewell County

DEPARTMENT OF CONSERVATION

NOTICE OF EMERGENCY AMENDMENTS

Pratts Wayne Woods Lakes, DuPage County Forest Preserve, DuPage County
 Pyramid State Park Lakes and Ponds, Perry County
 Ramsey Lake, Ramsey Lake State Park, Fayette County
 Randolph County Lake, Randolph County Conservation Area, Randolph County
 Red Hills Lake, Red Hills State Park, Lawrence County
 Rend Lake Project Ponds, U.S. Army Corps of Engineers, Franklin and Jefferson Counties
 Roodhouse Park Lake, City of Roodhouse, Greene County
 Sam Dale Conservation Area Lake and Ponds, Wayne County
 Sam Parr Lake, Sam Parr State Park, Jasper County
 Sand Lake, Illinois Beach State Park, Lake County
 Senior Citizen's Pond, Kankakee River State Park, Kankakee County
 Shabbona Lake, Shabbona Lake State Park, DeKalb County
 Shawnee National Forest Lakes and Ponds, Shawnee National Forest, all counties
 Siloam Springs Lake, Siloam Springs State Park, Adams County
 Silver Springs State Park Lakes and Ponds, Kendall County
 Snake Den Hollow Lakes, Snake Den Hollow State Fish and Wildlife Area, Knox

DEPARTMENT OF CONSERVATION

NOTICE OF EMERGENCY AMENDMENTS

County

Sparta City Lakes, City of Sparta,
Randolph County

Spring Lake, City of Macomb, McDonough
County

Spring Lake North and South, Spring Lake
Conservation Area, Tazewell County

Staunton City Lake, City of Staunton,
Macoupin County

Tecumseh Lake, Shawnee National Forest,
Hardin County

Ten Mile Creek Lakes, Ten Mile Creek
State Fish and Wildlife Area, Hamilton
County

Turner Lake, Chain O'Lakes State Park,
Lake County

Tuscola City Lake, City of Tuscola,
Douglas County

Valley Lake, Wildwood Park District,
Lake County

Vandalia Correctional Facility Ponds,
State of Illinois, Marion County

Vanhorn Woods Pond, Will County Forest
Preserve District, Will County

Venor Lake, City of Olney, Richland
County

Villa Grove West Lake, City of Villa
Grove, Douglas County

Virginia City Reservoir, City of
Virginia, Cass County

Walnut Point Lake, Walnut Point State
Fish and Wildlife Area, Douglas County

DEPARTMENT OF CONSERVATION

NOTICE OF EMERGENCY AMENDMENTS

Walton Park Lake, City of Litchfield,
Montgomery County

Washington County Lake, Washington
County Conservation Area, Washington
County

Waverly Lake, City of Waverly, Morgan
County

Weinberg-King Pond, Weinberg-King State
Park, Schuyler County

Weldon Springs Lake, Weldon Springs
State Park, DeWitt County

West Frankfort New City Lake, City of
West Frankfort, Franklin County

West Frankfort Old City Lake, City of
West Frankfort, Franklin County

White Hall City Lake, City of White
Hall, Greene County

Whoopie Cat Lake, Shawnee National
Forest, Hardin County

Wolf Lake, William W. Powers
Conservation Area, Cook County

Wyman Lake, City of Sullivan, Moultrie
County

2) LARGEMOUTH BASS, SMALLMOUTH BASS, SPOTTED BASS

A) Statewide Regulations.

Daily catch limit is 6 bass, either singly or
in the aggregate, except as specified under
Site Specific Regulations. There is no size
limit except in those waters listed under Site
Specific Regulations.

B) Site Specific Regulations.

- i) All largemouth bass and smallmouth bass
taken must be 12 inches in total length

DEPARTMENT OF CONSERVATION

DEPARTMENT OF CONSERVATION

NOTICE OF EMERGENCY AMENDMENTS

NOTICE OF EMERGENCY AMENDMENTS

or longer in the following waters:

That portion of the Mississippi River that lies between the States of Illinois and Iowa (River Miles 361.4 to 580.7).

- ii) All largemouth bass taken must be 12 inches in total length or longer in the following waters:

U.S. Forest Service Lakes and Ponds less than 10 surface acres, U.S. Department of Agriculture, Multiple Counties Southern Illinois.

- iii) All largemouth or smallmouth bass taken must be 14 inches in total length or longer in the following waters:

Banner Marsh Lakes and Ponds, Banner Marsh State Fish and Wildlife Area, Peoria and Fulton Counties

Borah Lake, City of Olney, Richland County

Carlyle Lake (including its tributary streams and those portions of the Kaskaskia River and Hurricane Creek up to the U.S. Army Corps of Engineers Carlyle Lake Project boundaries) U.S. Army Corps of Engineers, Bond, Clinton, and Fayette Counties

Charleston Side Channel Lake, City of Charleston, Coles County

Charlie Brown Lake and Pond, City of Flora, Clay County

Clinton Lake, Clinton Lake State Recreation Area, DeWitt County

Defiance, Tomahawk, Warrior and Wilderness Lakes, Moraine Hills State Park, McHenry County

Dolan Lake, Dolan Lake Conservation

Area, Hamilton County

Forbes State Lake and Ponds, Forbes State Fish and Wildlife Area, Marion County

Fox Chain O'Lakes, including the Fox River South of the Illinois-Wisconsin Line to the McHenry Dam, State of Illinois, Lake and McHenry Counties

Fox Ridge Lake, Fox Ridge State Park, Coles County

Frank Holten Lakes, Frank Holten State Park, St. Clair County

Hennepin Canal, Hennepin Canal Parkway State Park, Rock Island, Henry, Bureau and Whiteside Counties

Hennepin Canal Mainline and Feeder, Hennepin Canal State Park, Rock Island, Henry, Bureau and Whiteside Counties

Hidden Springs State Forest Ponds, Shelby County

Homer Lake, Champaign County Forest Preserve District, Champaign County

Hornel Ponds, Donnelly State Fish and Wildlife Area, Bureau County

Horseshoe Lake, Horseshoe Lake Conservation Area, Alexander County

Johnson Sauk Trail Lake and Pond, Johnson Sauk Trail State Park, Henry County

Jones State Lake, Glen O. Jones Conservation Area, Saline County

Lake Carlton, Morrison-Rockwood State Park, Whiteside County

Lake Decatur, City of Decatur, Macon

DEPARTMENT OF CONSERVATION

NOTICE OF EMERGENCY AMENDMENTS

County

Lake George, Loud Thunder Forest Preserve, Rock Island Forest Preserve District, Rock Island County

Lake Kakusha, City of Mendota, LaSalle County

Lake Le-Aqua-Na, Lake Le-Aqua-Na State Park, Stephenson County

Lake Nellie, City of St. Elmo, Fayette County

Lake of the Woods and Elk's Pond, Champaign County Forest Preserve District, Champaign County

Lake Paradise and Shadow Ponds, City of Mattoon, Coles County

Lake Sara, City of Effingham, Effingham County

Lake Shelbyville (including its tributary streams and those portions of the West Okaw and Kaskaskia Rivers up to Lake Shelbyville Project boundaries), Lake Shelbyville Project Ponds and Woods Lake, U.S. Army Corps of Engineers, Shelby and Moultrie Counties

Lake Shelbyville State Fish and Wildlife Area Ponds, Lake Shelbyville State Fish and Wildlife Area, Moultrie County

Lake Vandalia, City of Vandalia, Fayette County

Mattoon Lake, City of Mattoon, Coles, Cumberland and Shelby Counties County

McLeansboro City Lakes, City of McLeansboro, Hamilton County

Mermet Lake, Mermet Lake Conservation Area, Massac County

DEPARTMENT OF CONSERVATION

NOTICE OF EMERGENCY AMENDMENTS

Middle Fork Forest Preserve Ponds, Champaign County Forest District, Champaign County

Montrose Lake, City of Montrose, Cumberland County

Oakland City Lake, City of Oakland, Coles County

Pana Lake, City of Pana, Shelby and Christian Counties

Paris East and West Lakes, City of Paris, Edgar County

Peelman Lake, Kickapoo State Park, Vermillion County

Pierce Lake, Rock Cut State Park, Winnebago County

Pittsfield City Lake, City of Pittsfield, Pike County

Powerton Lake, Powerton Lake Conservation Area, Tazewell County

Ramsey Lake, Ramsey Lake State Park, Fayette County

Randolph County Lake, Randolph County Conservation Area, Randolph County

Rend Lake and Rend Lake Project Ponds, U.S. Army Corps of Engineers, Franklin and Jefferson Counties

Sam Dale Lake, Sam Dale Conservation Area, Wayne County

Sand Lake, Illinois Beach State Park, Lake County

Shabbona Lake, Shabbona Lake State Park, DeKalb County

DEPARTMENT OF CONSERVATION

NOTICE OF EMERGENCY AMENDMENTS

Spring Lake (North and South), Spring Lake Conservation Area, Tazewell County

Ten Mile Creek Lakes, Ten Mile Creek State Fish and Wildlife Area, Hamilton County

Tuscola City Lake, City of Tuscola, Douglas County

Villa Grove West Lake, City of Villa Grove, Douglas County

Washington County Lake, Washington County Conservation Area, Washington County

Weldon Springs Lake, Weldon Springs State Park, Dewitt County

Wolf Lake, Wolf Lake Conservation Area, Cook County

iv) All largemouth or smallmouth bass taken must be less than 12 inches in total length or greater than 15 inches in total length in the following waters:

Citizen's Lakes (North and South), City of Monmouth, Warren County

Devil's Kitchen Lake, Crab Orchard Refuge, U.S. Fish and Wildlife Service, Williamson County

East Fork Lake, City of Olney, Richland County

Gillespie New City Lake, City of Gillespie, Macoupin County

Gladstone Lake, Henderson County Conservation Area, Henderson County

Lake Storey, City of Galesburg, Knox County

DEPARTMENT OF CONSERVATION

NOTICE OF EMERGENCY AMENDMENTS

Little Grassy Lake, Crab Orchard Refuge, U.S. Fish and Wildlife Service, Williamson County

Mill Creek Lake, Clark County Park District, Clark County

Mt. Sterling Lake, City of Mt. Sterling, Brown County

Siloam Springs Lake, Siloam Springs State Park, Adams and Brown Counties

Walnut Point Lake, Walnut Point State Fish and Wildlife Area, Douglas County

v) All largemouth (or smallmouth) bass taken must be 15 inches in total length or longer in the following waters:

Ashley Reservoir, City of Ashley, Washington County

Ashland City Reservoir, City of Ashland, Cass County

Beall Woods Lake, Beall Woods Conservation Area, Wabash County

Beaver Dam Lake, Beaver Dam State Park, Macoupin County

Cedar Lake, U.S. Forest Service and City of Carbondale, Jackson County

Centralia Lake, City of Centralia, Marion County

Coffeen Lake, Coffeen Lake Fish and Wildlife Area, Montgomery County

Crab Orchard Lake and Refuge Ponds, except Visitor Pond, Crab Orchard National Wildlife Refuge, U.S. Fish and Wildlife Service, Williamson County (see Section 810.40(c)(2)(B)(viii)).

Crawford County C.A. Ponds, Crawford

DEPARTMENT OF CONSERVATION

NOTICE OF EMERGENCY AMENDMENTS

County Conservation Area, Crawford County

Gale Lake, Village of East Galesburg, Knox County

Gillespie Old City Lake, City of Gillespie, Macoupin County

Glen Shoals Lake, City of Hillsboro, Montgomery County

Governor Bond Lake, City of Greenville, Bond County

Lake County Forest Preserve District Lakes, County of Lake, Lake County

Lake Jacksonville, City of Jacksonville, Morgan County

Lake Mingo and Ponds at Kennekuk Cove Park, Vermillion County Conservation District, Vermillion County

Lake Murphysboro, Murphysboro State Park, Jackson County

Lake Springfield, City of Springfield, Sangamon County

Lake Vermillion, Vermillion County Conservation District, Vermillion County

Lake Williamsville, City of Williamsville, Sangamon County

Little Sister Lake, County of Fulton, Fulton County

Mazonia-Braidwood State Fish and Wildlife Area Lakes and Ponds, Mazonia-Braidwood State Fish and Wildlife Area, Gundy County

Mundelein Park District Diamond Lake and Park Ponds, City of Mundelein, Lake County

DEPARTMENT OF CONSERVATION

NOTICE OF EMERGENCY AMENDMENTS

Otter Lake, Otter Lake Water Commission, Macoupin County

Red Hills Lake, Red Hills State Park, Lawrence County

Sam Parr State Park, Jasper County

Sangchris Lake, Sangchris Lake State Park, Sangamon and Christian Counties

Silver Springs State Park Lakes and Ponds, Silver Springs State Park, Kendall County

Sparta City Lakes, City of Sparta, Randolph County

Turner Lake, Chain O'Lakes State Park, Lake County

Valley Lake, Wildwood Park District, Lake County

Waverly Lake, City of Waverly, Morgan County

Virginia City Reservoir, City of Virginia, Cass County

vi) No more than one (1) largemouth or smallmouth bass 15 inches in total length or longer and two (2) largemouth or smallmouth bass less than 15 inches in total length may be taken daily in the following waters:

vii) All largemouth or smallmouth bass taken must be 18 inches in total length or longer in the following waters:

Baldwin Lake, Baldwin Lake Conservation Area, Randolph and St. Clair Counties

Heidecke Lake, Heidecke Lake State Fish and Wildlife Area, Grundy County

DEPARTMENT OF CONSERVATION

NOTICE OF EMERGENCY AMENDMENTS

Kinkaid Lake, Kinkaid Lake State Fish and Wildlife Area, Jackson County

LaSalle Lake, LaSalle Power Station, LaSalle County

Nashville City Lake, City of Nashville, Washington County

Newton Lake, Newton Lake State Fish and Wildlife Area, Jasper County

viii) All smallmouth bass taken must be 18 inches in total length or longer in the following waters:

Crab Orchard Lake and Refuge Ponds, except Visitor Pond, Crab Orchard National Wildlife Refuge, U.S. Fish and Wildlife Service, Williamson County, until such time as the water level reaches the spillway elevation of 405 feet mean sea level, at which time the length limit shall revert to 15 inches minimum (See Section 810.40(c)(2)(B)(v))

LaSalle Lake, LaSalle Fish and Wildlife Area, LaSalle County

ix) Daily catch limit shall not exceed 3 largemouth bass or smallmouth bass, singly or in aggregate, in the following waters:

Beaver Dam Lake, Beaver Dam State Park, Macoupin County

Coffeen Lake, Coffeen Lake Fish and Wildlife Area, Montgomery County

Defiance, Tomahawk, Warrior and Wilderness Lakes, Moraine Hills State Park, McHenry County

Gale Lake, Village of East Galesburg, Knox County

Gillespie New City Lake, City of

DEPARTMENT OF CONSERVATION

NOTICE OF EMERGENCY AMENDMENTS

Gillespie, Macoupin County

Gillespie Old City Lake, City of Gillespie, Macoupin County

Gladstone Lake, Henderson County Conservation Area, Henderson County

Glen Shoals Lake, City of Hillsboro, Montgomery County

Governor Bond Lake, City of Greenville, Bond County

Heidecke Lake, Heidecke Lake State Fish and Wildlife Area, Grundy County

Lake Kakusha, City of Mendota, LaSalle County

Little Sister Lake, County of Fulton, Fulton County

Mazonia-Braidwood State Fish and Wildlife Area Lakes and Ponds, Mazonia-Braidwood State Fish and Wildlife Area, Grundy and Will Counties

Mundelein Park District Diamond Lake and Park Ponds, City of Mundelein, Lake County

Newton Lake, Newton Lake State Fish and Wildlife Area, Jasper County

Randolph County Lake, Randolph County Conservation Area, Randolph County

Rend Lake Project Ponds, U.S. Army Corps of Engineers, Franklin and Jefferson Counties

Sangchris Lake, Sangchris Lake State Park, Sangamon and Christian Counties

Valley Lake, Wildwood Park District, Lake County

DEPARTMENT OF CONSERVATION

NOTICE OF EMERGENCY AMENDMENTS

- x) Daily catch limit for largemouth or smallmouth bass, singly or in the aggregate, shall not exceed 6 fish per day, no more than one of which may be greater than 15 inches in length and none of which may be greater than 12 inches but less than 15 inches in length, in the following waters:

Argyle Lake, Argyle Lake State Park,
McDonough County

Snake Den Hollow Lakes, Snake Den Hollow
State Fish and Wildlife Area, Knox
County

- xi) Daily Catch limit shall not exceed one (1) largemouth bass or smallmouth bass in the following waters:

Banner Marsh Lakes and Ponds, Banner
Marsh State Fish and Wildlife Area,
Peoria and Fulton Counties

LaSalle Lake, LaSalle Fish and Wildlife
Area, LaSalle County

Lake Carlton, Morrison-Rockwood State
Park, Whiteside County

Lake County Forest Preserve District
Lakes, Lake County Forest Preserve
District, Lake County

Shabbona Lake, Shabbona Lake State Park,
DeKalb County

Turner Lake, Chain O'Lakes State Park,
Lake County

- xii) All largemouth bass taken must be 21 inches in total length or longer in the following waters:

Visitor Pond, Crab Orchard National
Wildlife Refuge, U.S. Fish and Wildlife
Service, Williamson County

DEPARTMENT OF CONSERVATION

NOTICE OF EMERGENCY AMENDMENTS

- xiii) All smallmouth bass caught from the waters of the South Branch of the Kishwaukee River in DeKalb, Ogle and Winnebago Counties must be immediately released back into the River at the location they were caught until July 1, 1989.

3) MUSKELLUNGE, NORTHERN PIKE AND THEIR HYBRIDS

A) Statewide Regulations.

- i) All muskellunge and muskellunge hybrids (tiger muskie) taken must be 30 inches in total length or longer.

- ii) No more than 1 muskellunge or muskellunge hybrid (tiger muskie), either singly or in the aggregate may be taken per day.

- iii) All northern pike taken must be 24 inches in total length or longer, except in the Mississippi River where there is no size limit.

- iv) No more than 3 northern pike may be taken per day, except as specified under Site Specific Regulations.

B) Site Specific Regulations.

- i) Daily catch limit shall not exceed 5 northern pike in that portion of the Mississippi River that lies between the State of Illinois and Iowa (River Miles 361.4 to 580.7).

- ii) Daily catch limit shall not exceed 1 northern pike in that portion of the Mississippi River that lies between the States of Illinois and Missouri (River Miles 0.0 to 361.4).

4) CRAPPIE (BLACK AND WHITE CRAPPIE)

A) Statewide Regulations.

DEPARTMENT OF CONSERVATION

NOTICE OF EMERGENCY AMENDMENTS

There are no catch or size limits except in those waters listed under Site Specific Regulations.

B) Site Specific Regulations.

- i) All crappie taken from the following waters must be 9 inches in total length or longer:
 - Baldwin Lake, Baldwin Lake Conservation Area, Randolph and St. Clair Counties
 - Beaver Dam Lake, Beaver Dam State Park, Macoupin County
 - Clinton Lake, Clinton Lake State Recreation Area, DeWitt County
 - Coffeen Lake, Coffeen Lake State Fish and Wildlife Area, Montgomery County
 - Lake Jacksonville, City of Jacksonville, Morgan County
 - Lake Shelbyville (including its tributary streams and those portions of the West Okaw and Kaskaskia Rivers up to Lake Shelbyville Project boundaries), Lake Shelbyville Project Ponds and Woods Lake, U.S. Army Corps of Engineers, Shelby and Moultrie Counties
 - Ramsey Lake, Ramsey Lake State Park, Fayette County
 - Sangchris Lake, Sangchris Lake State Park, Sangamon and Christian Counties
- ii) All crappie taken from the following waters must be 10 inches in total length or longer:

DEPARTMENT OF CONSERVATION

NOTICE OF EMERGENCY AMENDMENTS

Carlyle Lake (including its tributary streams and those portions of the Kaskaskia River and Hurricane Creek up to the U.S. Army Corps of Engineers Carlyle Lake project boundaries) U.S. Army Corps of Engineers, Bond, Clinton and Fayette Counties

Newton Lake, Newton Lake State Fish and Wildlife Area, Jasper County

- iii) The daily catch limit is 25 crappie in the following waters:

Baldwin Lake, Baldwin Lake Conservation Area, Randolph and St. Clair Counties

Clinton Lake, Clinton Lake State Recreation Area, DeWitt County

East Fork Lake, City of Olney, Richland County

Governor Bond Lake, City of Greenville, Bond County

Lake Jacksonville, City of Jacksonville, Morgan County

Lake Shelbyville (including its tributary streams and those portions of the West Okaw and Kaskaskia Rivers up to Lake Shelbyville Project boundaries), Lake Shelbyville Project Ponds and Woods Lake, U.S. Army Corps of Engineers, Shelby and Moultrie Counties

Sangchris Lake, Sangchris Lake State Park, Sangamon and Christian Counties

- iv) The daily catch limit is 10 crappie in the following waters:

DEPARTMENT OF CONSERVATION

NOTICE OF EMERGENCY AMENDMENTS

Beaver Dam Lake, Beaver Dam State Park, Macoupin County

Carlyle Lake (including its tributary streams and those portions of the Kaskaskia River and Hurricane Creek up to the U.S. Army Corps of Engineers Carlyle Lake project boundaries) U.S. Army Corps of Engineers, Bond, Clinton and Fayette Counties

Coffeen Lake, Coffeen Lake State Fish and Wildlife Area, Montgomery County

Lake Kakusha, City of Mendota, LaSalle County

Mazonia-Braidwood State Fish and Wildlife Area Lakes and Ponds, Mazonia-Braidwood State Fish and Wildlife Area, Grundy and Will Counties

Newton Lake, Newton Lake State Fish and Wildlife Area, Jasper County

Ramsey Lake, Ramsey Lake State Park, Fayette County

Shabbona Lake, Shabbona Lake State Park, DeKalb County

v) The daily catch limit is 5 crappie in the following waters:

Lake Carlton, Morrison-Rockwood State Park, Whiteside County

Lake Le-Aqua-Na, Lake Le-Aqua-Na State Park, Stephenson County

Pierce Lake, Rock Cut State Park, Winnebago County

Snake Den Hollow Lakes, Snake Den Hollow State Fish and Wildlife

DEPARTMENT OF CONSERVATION

NOTICE OF EMERGENCY AMENDMENTS

Area, Knox County

5) BLUEGILL AND REDEAR SUNFISH

A) Statewide Regulations.

There are no catch or size limits except in those waters listed under Site Specific Regulations.

B) Site Specific Regulations.

i) Daily catch limit is 25 bluegill and redear sunfish either singly or in the aggregate, in the following waters:

Beaver Dam Lake, Beaver Dam State Park, Macoupin County

Lake Mingo and Ponds at Kennekuk Cove Park, Vermillion County Conservation District, Vermillion County

Lake Murphysboro, Lake Murphysboro State Park, Jackson County

Lake Storey, City of Galesburg, Knox County

Middle Fork Forest Preserve Ponds, Champaign County Forest Preserve, Champaign County

ii) Daily catch limit is 10 bluegill and redear sunfish, either singly or in the aggregate, in the following waters:

Citizen's Lakes (North and South), City of Monmouth, Warren County

Gale Lake, Village of East Galesburg, Knox County

Gladstone Lake, Henderson County Conservation Area, Henderson County

DEPARTMENT OF CONSERVATION

NOTICE OF EMERGENCY AMENDMENTS

Lake Kakusha, City of Mendota,
LaSalle County

Lake Le-Aqua-Na, Lake Le-Aqua-Na
State Park, Stephenson County

Little Sister Lake, County of
Fulton, Fulton County

Shabbona Lake, Shabbona Lake State
Park, DeKalb County

- iii) Daily catch limit is 5 bluegill and
redear sunfish, either singly or
in the aggregate, in the following
waters:

Pierce Lake, Rock Cut State Park,
Winnebago County

Snake Den Hollow Lakes, Snake Den
Hollow State Fish and Wildlife
Area, Knox County

6) STRIPED BASS (OCEAN ROCKFISH), WHITE BASS AND
HYBRIDS

A) Statewide Regulations.

There is no daily catch limit or minimum
size limit for striped bass (ocean
rockfish), white bass, and their hybrids
which are less than 17 inches in total
length, except in those waters listed
under Site Specific Regulations. For
these fish 17 inches in total length or
longer, the daily limit is 3 fish, either
singly or in the aggregate.

B) Site Specific Regulations.

- i) All striped bass (ocean rockfish),
white bass and their hybrids taken
in the following waters must be 17
inches in total length or longer
and the daily catch limit is 3
fish, either singly or in the

DEPARTMENT OF CONSERVATION

NOTICE OF EMERGENCY AMENDMENTS

aggregate:

Baldwin Lake, Baldwin Lake
Conservation Area, Randolph and
St. Clair Counties

Cedar Lake, U.S. Forest Service and
City of Carbondale, Jackson County

Charleston Side Channel Lake, City
of Charleston, Coles County

Clinton Lake, Clinton Lake State
Recreation Area, DeWitt County

Crab Orchard Lake, Crab Orchard
Refuge, U.S. Fish and Wildlife
Service, Williamson County

Forbes Lake, Stephen A. Forbes
State Park, Marion County

Glen Shoals Lake, City of
Hillsboro, Montgomery County

Governor Bond Lake, City of
Greenville, Bond County

Lake Bloomington, City of
Bloomington, McLean County

Lake Vandalia, City of Vandalia,
Fayette County

Mazonia-Braidwood State Fish and
Wildlife Area Lakes and Ponds,
Mazonia-Braidwood State Fish and
Wildlife Area, Grundy and Will
Counties

Otter Lake, Otter Lake Water
Commission, Macoupin County

Pittsfield City Lake, City of
Pittsfield Pike County

Spring Lake, City of Macomb,
McDonough County

DEPARTMENT OF CONSERVATION

NOTICE OF EMERGENCY AMENDMENTS

Washington County Lake, Washington County Conservation Area, Washington County

- ii) No more than 10 striped bass (ocean rockfish) white bass and their hybrids, either singly or in the aggregate, may be taken per day with no more than 3 fish measuring 17 inches or greater in length:

Heidecke Lake State Fish and Wildlife Area, Grundy County

LaSalle Lake, LaSalle Fish and Wildlife Area, LaSalle County

Powerton Lake, Powerton Lake State Fish and Wildlife Area, Tazewell County

7) TROUT AND SALMON

A) Statewide Regulations.

Daily catch limit is 5 trout or salmon, either singly or in the aggregate, not more than 3 of which may be lake trout.

B) Site Specific Regulations.

- i) All trout and salmon taken in Lake Michigan must be 10 inches in total length or longer.

- ii) All trout taken in Piscasaw Creek, McHenry County, must be 9" or longer in total length.

- iii) The Department of Conservation will publicly announce in advance those areas that will be stocked during each spring and fall season.

- iv) It shall be illegal to possess trout during the period of March 15 to 5 a.m. on the first Saturday

DEPARTMENT OF CONSERVATION

NOTICE OF EMERGENCY AMENDMENTS

in April (both dates inclusive) which were taken during that period from the following waters:

Agricultural Center Pond, Dixon Springs Ag. Center, Pope County

Apple River, Jo Daviess County

Atwood Lake, McHenry County Conservation District, McHenry County

Big Lake, Silver Springs State Park, Kendall County

Bird Park Quarry, City of Kankakee, Kankakee County

Boston Pond, Stephen A. Forbes State Park, Marion County

Campus Pond, Eastern Illinois University, Coles County

Cave-in-Rock Pond, Cave-in-Rock State Park, Hardin County

Clear Lake, Kickapoo State Park, Vermilion County

Coleta Trout Pond, State of Illinois, Whiteside County

Ferne Clyffe Lake, Ferne Clyffe State Park, Johnson County

Forest Park Lagoon, City of Shelbyville, Shelby County

Frank Holten Main Lake, Frank Holten State Park, St. Clair County

Game Farm Pond, Mt. Vernon Game Farm, Jefferson County

Gebhard Woods Ponds, Gebhard Woods State Park, Grundy County

DEPARTMENT OF CONSERVATION

NOTICE OF EMERGENCY AMENDMENTS

Hennepin Canal, Hennepin Canal
Parkway State Park, Bureau County
Illinois Department of
Transportation Lake, Sangamon
County

Jones Park Lake, City of East St.
Louis, St. Clair County

Jones State Lake Pond, Saline
County Conservation Area, Saline
County

Kent Creek, Winnebago County

Lake Milliken, Des Plaines
Conservation Area, Will County

Lake of the Woods and Elk's Pond,
Champaign County Forest Preserve
District, Champaign County

Miller Park Lake, City of
Bloomington, McLean County

Pine Creek, Ogle County

Piscasaw Creek, McHenry County

Rock Creek, Kankakee County

Rock Springs Pond, Macon Co.
Conservation District, Macon County

Sam Dale Pond, Sam Dale
Conservation Area, Wayne County

Sand Lake, Illinois Beach State
Park, Lake County

Siloam Springs Lake, Siloam Springs
State Park, Adams County

Silver Lake, Forest Preserve
District of DuPage County, DuPage
County

DEPARTMENT OF CONSERVATION

NOTICE OF EMERGENCY AMENDMENTS

Waddams Creek, Stephenson County
Washington Park Pond, Springfield
Park District, Sangamon County
Wyman Lake, City of Sullivan,
Moultrie County

Yellow Creek, Stephenson County

v) It shall be illegal to possess
trout during the period of October
1 to 5 a.m. on the third Saturday
in October (both dates inclusive)
which were taken during that period
from the following waters:

Agricultural Center Pond, Dixon
Springs Ag. Center, Pope County

Argyle Lake, Argyle Lake State
Park, McDonough County

Axehead Lake, Cook County Forest
Preserve, Cook County

Banana Lake, Lake County Forest
Preserve District, Lake County

Beall Woods Lake, Beall Woods State
Park, Wabash County

Beaver Dam Lake, Beaver Dam State
Park, Macoupin County

Belleau Lake, Cook County Forest
Preserve, Cook County

Big Lake, Silver Springs State
Park, Kendall County

Bird Park Quarry, City of Kankakee,
Kankakee County

Boston Pond, Stephen A. Forbes
State Park, Marion County

DEPARTMENT OF CONSERVATION

NOTICE OF EMERGENCY AMENDMENTS

Campus Pond, Eastern Illinois University, Coles County

Canton Park District Trout Pond, Canton Park District, Fulton County

Cave-in-Rock Pond, Cave-in-Rock State Park, Hardin County

Citizen's Lakes-North, City of Monmouth, Warren County

Clear Lake, Kickapoo State Park, Vermillion County

Coleta Trout Pond, State of Illinois, Whiteside County

Faries Park Pond, City of Decatur, Macon County

Ferne Clyffe Lake, Ferne Clyffe State Park, Johnson County

Forest Park Lagoon, City of Shelbyville, Shelby County

Frank Holten Main Lake, Frank Holten State Park, St. Clair County

Game Farm Pond, Mt. Vernon Game Farm, Jefferson County

Greenville Old City Lake, Greenville Park District, Bond County

Hennepin Canal, Hennepin Canal Parkway State Park, Bureau County

Highland Old City Lake, City of Highland, Madison County

Illinois Department of Transportation Lake, Sangamon County

Jones Park Lake, City of East St.

DEPARTMENT OF CONSERVATION

NOTICE OF EMERGENCY AMENDMENTS

Louis, St. Clair County

Jones State Lake Pond, Saline County Conservation Area, Saline County

Mineral Springs Park Lagoon, City of Pekin, Tazewell County

Picnic Pond, Crawford County Conservation Area, Crawford County

Prospect Pond, City of Moline, Rock Island County

Randolph County Lake, Randolph County State Park, Randolph County

Sag Quarry (East), Cook County Forest Preserve, Cook County

Sam Dale Pond, Sam Dale Conservation Area, Wayne County

Siloam Springs Lake, Siloam Springs State Park, Adams County

Villa Grove West Lake, City of Villa Grove, Douglas County

Washington Park Pond, Springfield Park District, Sangamon County

8) WALLEYE AND SAUGER

A) Statewide Regulations.

Daily catch limit is 6 walleye or sauger, either singly or in the aggregate, except in those waters listed under Site Specific Regulations. There is no size limit except in those waters listed under Site Specific Regulations.

B) Site Specific Regulations.

i) All walleye and sauger taken must be 14 inches in total length or

DEPARTMENT OF CONSERVATION

NOTICE OF EMERGENCY AMENDMENTS

longer in the following waters:

Banner Marsh Lakes (Johnson and Shovel), Banner Marsh State Fish and Wildlife Area, Peoria and Fulton Counties

Carlyle Lake, (including its tributary streams and those portions of the Kaskaskia River and Hurricane Creek up to the U.S. Army Corps of Engineers Carlyle Lake Project boundaries) U.S. Army Corps of Engineers, Bond, Clinton, and Fayette Counties

Cedar Lake, U.S. Forest Service and City of Carbondale, Jackson County

Clinton Lake, Clinton Lake State Recreation Area, DeWitt County

Dolan Lake, Hamilton County Conservation Area, Hamilton County

East Fork Lake, City of Olney, Richland County

Fox Ridge Lake, Fox Ridge State Park, Coles County

Heidecke Lake State Fish and Wildlife Area, Grundy County

Hennepin Canal, Hennepin Canal State Park, Rock Island, Henry, Bureau and Whiteside Counties

Kaskaskia River and all tributaries, Champaign, Douglas, Coles, Moultrie, Shelby, Fayette, Bond, Clinton, Washington, St. Clair, Monroe and Randolph Counties

Kincaid Lake, Kincaid Lake Fish and Wildlife Area, Jackson County

DEPARTMENT OF CONSERVATION

NOTICE OF EMERGENCY AMENDMENTS

Lake Bloomington, City of Bloomington, McLean County

Lake Carlton, Morrison-Rockwood State Park, Whiteside County

Lake Decatur, City of Decatur, Macon County

Lake George, Loud Thunder Forest Preserve, Rock Island Forest Preserve District, Rock Island County

Lake Le-Aqua-Na, Lake Le-Aqua-Na State Park, Stephenson County

Lake Mingo, Vermilion County Conservation District, Vermilion County

Lake Sara, City of Effingham, Effingham County

Lake Shelbyville, U. S. Army Corps of Engineers, Moultrie and Shelby Counties

Lake Springfield, City of Springfield, Sangamon County

Lake Vermilion and the portion of the North Fork of the Vermilion River between the Lake Vermilion Dam and the Interstate Water Company's Pump Station Spillway, Vermilion County Conservation District, Vermilion County

Mazonia-Braidwood State Fish and Wildlife Area Lakes and Ponds, Mazonia-Braidwood State Fish and Wildlife Area, Grundy and Will Counties

Mill Creek Lake, Clark County Park District, Clark County

DEPARTMENT OF CONSERVATION

NOTICE OF EMERGENCY AMENDMENTS

Newton Lake, Newton Lake State Fish and Wildlife Area, Jasper County

Pierce Lake, Rock Cut State Park, Winnebago County

Pittsfield City Lake, City of Pittsfield, Pike County

Randolph County Lake, Randolph County Conservation Area, Randolph County

Schy-Rush Lake, City of Rushville, Schuyler County

Shabbona Lake, Shabbona Lake State Park, DeKalb County

Snake Den Hollow Lakes, Snake Den Hollow State Fish and Wildlife Area, Knox County

Sterling Lake, Lake County Forest Preserve District, Lake County

Wolf Lake, William W. Powers Conservation Area, Cook County

- ii) All walleye and sauger taken must be 16 inches in total length or longer in the following waters:

Busse Lake, Cook County Forest Preserve, Cook County

Tampier Lake, Cook County Forest Preserve, Cook County

Fox Chain O'Lakes, including the Fox River South of the Illinois Wisconsin line to the McHenry Dam, State of Illinois, Lake and McHenry Counties

- iii) All walleye and sauger taken must be 22 inches in total length or longer in the following waters:

DEPARTMENT OF CONSERVATION

NOTICE OF EMERGENCY AMENDMENTS

Powerton Lake, Tazewell County

- iv) Daily catch limit shall not exceed 10 walleye or sauger, either singly or in the aggregate, in the following waters:

That portion of the Mississippi River that lies between the State of Illinois and Iowa (River Miles 361.4 to 580.7).

- v) Daily catch limit shall not exceed 8 walleye or sauger, either singly or in the aggregate, in the following waters:

That portion of the Mississippi River that lies between the States of Illinois and Missouri (River Miles 0.0 to 361.4).

- vi) Daily catch limit shall not exceed 1 walleye or sauger, either singly or in the aggregate, in the following waters:

Powerton Lake, Tazewell County

(Source: Emergency amendments at 14 Ill. Reg. 6865, effective April 17, 1990, for a maximum of 150 days)

STATE BOARD OF ELECTIONS

NOTICE OF EMERGENCY RULES

1) Heading of Part: Raffles Conducted by Political Committees

2) Code Citation: 26 Ill. Adm. Code 210

3) Sections Numbers: Emergency Action:

210.10

New Section

210.APPENDIX A

New Section

210.APPENDIX B

New Section

4) Statutory Authority: Implementing and authorized by "AN ACT to provide for licensing and regulating certain games of chance and amending certain Acts herein named," as amended, (Ill.Rev.Stat., 1987, ch. 85 par. 2301 et seq.)

5) Effective Date of Rule(s): May 1, 1990

6) If this emergency rule is to expire before the end of the 150-day period, please specify the date on which it is to expire: Not Applicable

7) Date Filed in Agency's Principal Office: April 24, 1990

8) Reason for Emergency: The State Board of Elections is of the opinion that the General Assembly intended the provisions of P.A. 86-394 to be implemented and put into effect at the earliest possible date; the financing of political campaigns is a matter affecting public interest; it is of paramount importance that any such raffles or games of chance be regulated in the public interest to conform to the provisions of P.A. 86-394; if regulations governing such raffles and games of chance are not immediately implemented, unlawful and unlicensed gaming activity in support of political campaigns may occur, and such unlicensed activity would constitute a threat to public interest.

9) A Complete Description of the Subjects and Issues Involved:

Defines "political committee" eligible to conduct a raffle or game of chance to raise funds to support candidates or issues. Requires a license for such purpose from the State Board of Elections before such a raffle or games of chance may be conducted; requires compliance with authorizing statutes; requires the applicant political committee's current chairman or treasurer to sign the application for a

STATE BOARD OF ELECTIONS

NOTICE OF EMERGENCY RULES

license; defines "good moral character" as applied to officers of, employees of, or persons association with applicant political committees; authorizes the State Board of Elections to issue a license to conduct a raffle or game of chance if the information on the application is complete; provides a mechanism for revocation of a license once issued; establishes time, place for filing reports of receipts and expenditures of raffles and games of chance; authorizes application and reporting forms.

10) Are there any other proposed amendment pending on this Part?
No

11) Statement of Statewide Policy Objectives:
Implement statutory mandate expressed in enabling legislation.

12) Information and questions regarding this rule shall be directed to:

State Board of Elections
A. L. Zimmer, General Counsel
State of Illinois Center
100 West Randolph Street Suite 14-100 Chicago, IL 60601
(312) 814-6440

The full text of the Emergency Amendment begins on the next page:

STATE BOARD OF ELECTIONS

NOTICE OF EMERGENCY RULES

TITLE 26: ELECTIONS
CHAPTER I: STATE BOARD OF ELECTIONSPart 210
RAFFLES CONDUCTED BY POLITICAL COMMITTEES

Section
210.10 Licensing of Raffles Conducted by Political
EMERGENCY Committees
210.APPENDIX A Application Form
EMERGENCY
210.APPENDIX B Form DR1
EMERGENCY

AUTHORITY: Implementing and authorized by "AN ACT to provide for licensing and regulating certain games of chance and amending certain Acts herein named," as amended, (Ill.Rev.Stat., 1987, ch. 85 par. 2301 et seq.)

SOURCE: Emergency Rules adopted at 14 Ill.Reg. 6907, effective May 1, 1990 for a maximum of 150 days.

Section 210.10 Licensing of Raffles Conducted by Political Committees

- a) No raffle or other game of chance defined in and authorized by Section 8.1 of "AN ACT to provide for licensing and regulating certain games of chance and amending certain Acts herein named" (the Act) (Ill.Rev.Stat., 1987, ch. 85, par.2301 as amended by P.A.86-394 effective January 1, 1990) as amended ("raffle") shall be conducted unless a license has first been issued for such a purpose by the State Board of Elections (hereafter "the Board").
- b) "Political Committee" as used in this Part shall mean a political committee as defined by Section 9-1.9 of the Act.
- c) No political committee, group, association, or other entity may receive a license to conduct a raffle unless it is a political committee as defined by this Part and Section 9-1.9 of the Election Code, and unless it meets all requirements of Section 8.1 of the Act.

STATE BOARD OF ELECTIONS

NOTICE OF EMERGENCY RULES

- d) Application for a license to conduct a raffle must be made on forms provided by the Board and must supply, over the oath of the applicant, all information requested by the application form. The form of the application is set out in Appendix A hereto and is made a part hereof.
- e) Only the chairman or treasurer of a political committee whose names are listed on the committee's D-1 statement at the time the application is filed may sign the application for a license to conduct a raffle.
- f) A political committee shall be deemed to have been in existence for one year and to have had a bona fide membership engaged in carrying out its objects if, on the day the application is received at the office of the Board in Springfield, Illinois, one year has elapsed between the date the committee was established, as shown on its current D-1 forms, and the date the application is received.
- g) An officer of a political committee or an employee or person not otherwise disqualified by the Act itself shall be deemed to be of good moral character if he or she has never been convicted of an offense identified in Article 29 of the Election Code, except for Section 29-14, or of Section 103 of the Election Interference Prohibition Act (Ill.Rev.Stat., 1987, ch. 46, par. 103); provided that if an officer, employee or person has been convicted of such an offense he or she may nonetheless be deemed of good moral character if at least one (1) year has elapsed between the completion of any sentence, including a sentence of probation, imposed upon such conviction and the date the application is sent to the Board as noted upon the application itself.
- h) The information supplied by the applicant, over his or her oath, if it is complete as to each and every item of the application for which an answer is required, shall be deemed to be presumptively correct and sufficient for the Board to issue a license to the applicant to conduct a raffle.
- i) Any person who has grounds to believe a committee has violated the terms of the Act or of its license may

STATE BOARD OF ELECTIONS
NOTICE OF EMERGENCY RULES

210. APPENDIX B Form DRI
EMERGENCY

FORM		REPORT OF PAYROLL RECEIPTS AND EXPENDITURES Please type or print in block ink	IDENTIFICATION NO.	MONTH	YEAR
DRI					

1. Date of Refile _____
2. Location at which weapon classified upon determined _____
3. Briefly describe refills _____
4. Total gross receipts _____
- Itemized from attached Schedule A _____
- Not itemized _____
5. Total expenses _____
- Itemized from attached Schedule B _____
- Not itemized _____
6. Total net proceeds _____
7. In-kind from attached Schedule K _____

WINDUP THE A STORY

I declare that this affidavit including my accompanying exhibits and statement has been executed by me and under penalty of perjury to the best of my knowledge and belief in truth and correctness.

DATE _____

STATE BOARD OF ELECTIONS
NOTICE OF EMERGENCY RULES

[illegible]

**REPORT OF IN KIND CONTRIBUTIONS AND WINNERS
TO BE USED FOR RAFFLES ONLY**

[illegible]

1

See Reverse Side For
Advertisement

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENT

1) The Heading of the Part: REIMBURSEMENT FOR NURSING COSTS FOR GERIATRIC FACILITIES

2) Code Citation: 89 Ill. Adm. Code 147

3) Section Number: Emergency Action:
147.150 Amendment

4) Statutory Authority: Sections 5-5.1 et seq. and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, Ch. 23, Pars. 5-5.1 et seq. and 12-13)

5) Effective Date of Emergency Amendment: April 19, 1990

6) If this Emergency Amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: Not applicable

7) Date Filed in Agency's Principal Office: April 19, 1990

8) Reason for Emergency: "This rulemaking will effect survey methodologies used in nursing facilities to determine, among other things, the status of residents' health and safety. Because of the perceived threat to the health and safety of persons who would be adversely affected by the failure to implement this policy, the Department has determined that an emergency rulemaking is warranted."

9) A Complete Description of the Subjects and Issues Involved: This proposed rule change is implementing an annual IOC survey. It also includes criteria for a facility to request an interim IOC for a midyear rate change and a change in who is to be included in the IOC.

10) Are there any Proposed Amendments pending to this Part? Yes

Section Numbers	Proposed Action	Illinois Register Citation
147.250	Amendment	April 13, 1990 (14 Ill. Reg. 5434)

11) Statement of Statewide Policy Objectives: This rulemaking has no effect on local governmental units.

12) Information and questions regarding this Emergency Amendment shall be directed to:

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENT

Name: Dan Leikvold, Staff Attorney
Office of the General Counsel

Address: Illinois Department of Public Aid
Jesse B. Harris II Building
100 South Grand Avenue East, 3rd Floor
Springfield, Illinois 62762

Telephone: (217) 782-1233

The full text of the Emergency Amendment begins on the next page:

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENT

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER d: MEDICAL PROGRAMS

PART 147

REIMBURSEMENT FOR NURSING COSTS FOR
GERIATRIC FACILITIESSection
147.5

Reimbursement For Nursing Costs For Geriatric

Residents in Group Care Facilities

Functional Needs and Restorative Care

Service Needs

Definitions

Reconsiderations

Midnight Census Report

Times and Staff Levels

Statewide Rates

EMERGENCY

147.175 Referrals

Basic Rehabilitation Aide Training Program

Nursing Rates

Staff Time and Allocation by Need Level

Staff Time and Allocation for Restorative Programs

TABLE B

AUTHORITY: Implementing Article III of the Illinois Health

Finance Reform Act (Ill. Rev. Stat. 1987, ch. 111 1/2, par.

6503-1 et seq.) and implementing and authorized by Articles

III, IV, V, VI, VII and Section 12-13 of the Illinois Public

Aid Code (Ill. Rev. Stat. 1987, ch. 23, pars. 3-1 et seq., 4-1

et seq., 5-1 et seq., 6-1 et seq., 7-1 et seq., and 12-13)

SOURCE: Recodified from 89 Ill. Adm. Code 140.900 thru

140.912 and 140. Table H and 140. Table I at 12 Ill. Reg. 6956;

amended at 13 Ill. Reg. 559, effective January 1, 1989; amended

at 13 Ill. Reg. 7043, effective April 24, 1989; emergency

amendment at 13 Ill. Reg. 10999, effective July 1, 1989, for a

maximum of 150 days; emergency expired November 28, 1989;

amended at 13 Ill. Reg. 16796, effective October 13, 1989;

amended at 14 Ill. Reg. 210, effective December 21, 1989;

emergency amendment at 14 Ill. Reg. 6915, effective April 19,

1990, for a maximum of 150 days.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENT

Section 147.150 Statewide Rates
EMERGENCY

a) This Section will become effective January 1, 1987.
89 Ill. Adm. Code 140.905 will no longer be utilized
for determining reimbursement rates as of January 1,
1987.

b) Per diem reimbursement rates for nursing care in
intermediate and skilled care facilities consist of
six elements: variable time reimbursement, training
time reimbursement, fixed time reimbursement, fringe
benefit reimbursement, and reimbursement for allowable
costs of supplies, consultants, medical and nursing
directors, and therapies.

1) Variable Time Reimbursement. Variable nursing
time is that time necessary to meet the major
service needs of residents which vary due to
their physical or mental conditions. Each need
level or specific nursing service measured by the
Resident Assessment Instrument is associated with
an amount of time and staff level (Sections
147. Table A and 147. Table B). Reimbursement is
developed by multiplying the time for each
service by the wage(s) of the type of staff
performing the service except for occupational
therapy, physical therapy and speech therapy. If
more than one level of staff are involved in
delivering a service, reimbursement for that
service will be weighted by the wage and number
of minutes allocated to each staff type. When a
service can be provided by either an RN or an
LPN, the wage used will be weighted by the
average mix of RNs and LPNs in the sample of
facilities used to set rates.

A) Determination of wages. In calculating the
rate, the figures used by the Department for
"wages" will be determined in the following
manner:

i) The mean wages for the applicable staff
levels (PN's, LPN's, Nurse Aides) as
reported on the cost reports and
determined by geographical location
will be the base.

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENT

Section 147.150
EMERGENCY

Statewide Rates (Cont'd)

- ii) Fringe benefits and payroll taxes will be calculated according to the statewide ratio of fringe benefits and payroll taxes to total wages measured from the sample of facilities used to set rates;
 - iii) The resulting fringe benefits and payroll taxes will be added to the base;
 - iv) This new total will then be updated for inflation from the time period for which the wage data are available to the midpoint of the rate year to recognize projected wage changes. The wage inflation rate used to update wages will be determined by comparing the historical change in nursing home wages in Illinois between 1976 and the time the latest wage information is available to the change in the DPI average hourly earnings, production workers for nursing and personal care facilities index for the U.S. for the same period.
 - v) The resulting ratio will be applied to the projected change in the Data Resources Incorporated (DRI) average hourly earnings, production workers for nursing and personal care facilities for the U.S. between the cost report year and the midpoint of the rate year. This yields a wage inflation rate which will be applied to the total described in subparagraph (c) to produce total wages by applicable staff levels and geographic location.
- B) Determination of Times and Staff Levels.
The times and staff levels have been assigned by a panel of administrators and nurses active in long term care. Prior time/motion studies were used to assist the panel. These times will be reviewed

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENT

Section 147.150
EMERGENCY

Statewide Rates (Cont'd)

- periodically to insure that they accurately reflect nursing practice in the State.
- 2) Training Time Reimbursement
Training Time Reimbursement is determined by assessed need for training, the time allotted for training and the wage rates for licensed and nurse aide staff during the rate year.
- 3) Fixed Time Reimbursement. Fixed or indirect nursing time is that time which does not vary with resident condition or which cannot be measured by an assessment tool. It includes such items as staff meetings, supervision, "downtime", checking physicians' orders and time spent with residents which does not vary with condition. A statewide sample of residents will be used to determine "fixed" time. The mean variable time will be computed for the sample for each level of care, and this amount subtracted from Department of Public Health Minimum Staffing Ratios plus 5% for each level of care. (Department of Public Health Minimum Staffing Ratios, which are measured in terms of time, can be found in 77 Ill. Adm. Code 1230). Once the "fixed" time has been determined, the minutes will be weighted at 20% licensed and 80% unlicensed time and multiplied by the appropriate wage. This amount will be added to variable time for each resident in the sample. If fixed time is less than zero minutes, then it will equal zero.
- 4) Vacation, Sick Leave and Holiday Time. The time to be added for vacation, sick leave and holidays will be determined by multiplying the sum of Variable and Fixed Time by 5%. This time will then be weighted by 80% unlicensed and 20% licensed wages to determine the amount to be added to the rate for these benefits.
- 5) Special Supplies, Consultants and the Director of Nursing.

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENT

Section 147.150 Statewide Rates (Cont'd)
EMERGENCY

Finally, amounts will be added for health care and program supplies, consultants required by Department of Public Health (including the Medical Director), and the Director of Nursing. (A list of consultants required by the Department of Public Health can be found in 77 Ill. Adm. Code 300.830).

A) Supplies will be updated for inflation using the General Services Inflation (see 89 Ill. Adm. Code 140.551). A standard amount by level of care will be allocated for supplies. This amount will be determined based on the ratio of median updated supply costs by region to median costs for variable and fixed time by level of care (SNF/ICF by region).

B) The same analysis will be used to determine an amount for Consultants (including Medical Director) and the Director of Nursing. However, these costs will be updated with the wage inflation rate.

6) Therapies. Reimbursement for physical therapy, occupational therapy, and speech therapy will not be based upon individual resident need assessments, but upon the total therapy program days the facility provided to Medicaid residents over the six-month period prior to and including the resident assessment date. These therapy days, by therapy type and level (see Table H) will be associated with staff time per day as shown in Table H and staff wages to produce a per diem rate for each of the three therapy types.

c) Determination of Facility Rates.

1) The rate each facility receives will be determined by the assessed needs of residents the facility serves. Effective January 1, 1990, Every-other-quarter nurses from Department of Public Aid (DPA) will conduct an assessment of 100% of the Medicaid residents by level of care in each home annually. The IOC assessment will

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENT

Section 147.150 Statewide Rates (Cont'd)
EMERGENCY

be conducted concurrently with the QUIP assessment if the facility chooses to participate in QUIP. The assessment will be conducted during the four month period prior to the annual rate adjustment month. The needs of the residents in the sample will be assessed with the Resident Assessment Instrument. An amount for each resident will be calculated by multiplying the number of minutes from the assessment by the appropriate wage/wages for each assessment item (see (a) above), adding the appropriate amount for fixed time (see (b) above) and amounts for vacation, sick and holiday time (see (c) above), supplies, consultants, and the Director of Nursing, (see (d) above). The average of the rates for residents assessed will become the facility's per diem reimbursement rate for each Medicaid patient in the facility effective the first of January for those facilities that have an IOC conducted during the last six months of the year or July for those facilities that have an IOC conducted during the first six months of the year, whichever is applicable and will continue for the next twelve months unless an interim IOC is requested for the next six months at which time a new rate-based on the most recent facility profile will be effective.

2) A copy of the Resident Assessment will be left with the facility upon completion.

d) Adjustment in Instrument. Residents assessed as being in need of a service but is not receiving the required service will be scored solely as need not met. The level of care will not be scored--if the facility implements the required service(s) within thirty (30) days of the inspection of care (IOC)-Exit and notifies the Department within thirty (30) days of the IOC-Exit via certified mail the service in question will be reassessed within sixty (60) days of the date of certification.

e) An interim IOC may be requested by a facility by notifying, in writing, the Bureau of Long Term Quality

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENT

Section 147.150 Statewide Rates (Cont'd)
EMERGENCY

Care Bureau Chief within 180 days of the exit date of the last IOC. The following criteria must be met before a request for an interim IOC can be made. A 25% or greater turnover in Medicaid residents since the last IOC or a sufficient reason to believe that there has been a 7% or greater increase in the average per patient care time. The request for the interim IOC must contain a full explanation of why the facility meets the criteria and must include any documentation relevant to the request. The facility will be notified within 45 days from the date the request is received of whether an interim IOC will be conducted. If approved, the Bureau will conduct a full IOC within 60 days of the written approval decision. Upon reassessment, if the service need is found to be met an amended 2700 will be forwarded to the DPA. Upon receipt of the amended 2700 the facility's rate will become effective for the final six month's of that facility's rate year. Be-adjusted retroactive to the date the DPA-Case-Manager determines the service began.

- f) If the interim IOC is scheduled to take place during the period when the next annual IOC is scheduled, only one IOC will be done. The rate that results will apply for the 18 month period which begins with the effective date of the interim IOC rate.

(Source: Emergency amendment at 14 Ill. Reg. 6915, effective April 19, 1990, for a maximum of 150 days)

DEPARTMENT OF CONSERVATION

NOTICE OF PUBLIC HEARING ON PROPOSED RULES

- 1) HEADING OF THE PART: General Hunting and Trapping on Department-Owned or -Managed Sites
- 2) CODE CITATION: 17 Ill. Adm. Code 510
- 3) REGISTER CITATION TO NOTICE OF PROPOSED RULES:
14 Ill. Reg. 3757; March 16, 1990
- 4) DATE, TIME AND LOCATION OF PUBLIC HEARING:
Monday, May 21, 1990
1:30 p.m.
Auditorium, Illinois Department of Agriculture Building
Illinois State Fairgrounds (Gate 11)
Springfield, Illinois
- 5) OTHER PERTINENT INFORMATION: All expert testimony and exhibits must be submitted, in writing, to Carl Draper, Hearing Officer, Illinois Department of Conservation, Suite 485, 524 S. Second Street, Springfield, Illinois, 62701, no later than May 16, 1990.

ILLINOIS REGISTER

DEPARTMENT OF CONSERVATION

NOTICE OF PUBLIC HEARING ON PROPOSED RULES

- 1) HEADING OF THE PART: Muskrat, Mink, Raccoon, Opossum, Striped Skunk, Weasel, Red Fox, Gray Fox, Coyote, Beaver and Woodchuck (Groundhog) Trapping
- 2) CODE CITATION: 17 Ill. Adm. Code 570
- 3) REGISTER CITATION TO NOTICE OF PROPOSED RULES:
14 Ill. Reg. 3764; March 16, 1990
- 4) DATE, TIME AND LOCATION OF PUBLIC HEARING:
Monday, May 21, 1990
1:30 p.m.
Auditorium, Illinois Department of
Agriculture Building
Illinois State Fairgrounds (Gate 11)
Springfield, Illinois
- 5) OTHER PERTINENT INFORMATION: All expert testimony and exhibits must be submitted, in writing, to Carl Draper, Hearing Officer, Illinois Department of Conservation, Suite 485, 524 S. Second Street, Springfield, Illinois, 62701, no later than May 16, 1990.

ILLINOIS REGISTER

DEPARTMENT OF CONSERVATION

NOTICE OF PUBLIC HEARING ON PROPOSED RULES

- 1) HEADING OF THE PART: White-Tailed Deer Hunting By Use of Bow and Arrow
- 2) CODE CITATION: 17 Ill. Adm. Code 670
- 3) REGISTER CITATION TO NOTICE OF PROPOSED RULES:
14 Ill. Reg. 4372; March 23, 1990
- 4) DATE, TIME AND LOCATION OF PUBLIC HEARING:
Monday, May 21, 1990
10:00 a.m.
Auditorium, Illinois Department of
Agriculture Building
Illinois State Fairgrounds (Gate 11)
Springfield, Illinois
- 5) OTHER PERTINENT INFORMATION: All expert testimony and exhibits must be submitted, in writing, to Carl Draper, Hearing Officer, Illinois Department of Conservation, Suite 485, 524 S. Second Street, Springfield, Illinois, 62701, no later than May 16, 1990.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of April 16, 1990, through April 20, 1990, and have been scheduled for review by the Committee at its May 8, 1990 meeting. Other items not contained in this published list may also be considered by the Joint Committee at its May meeting. Members of the public wishing to express their views with respect to a proposed rule should submit written comments to the Joint Committee at the following address: Joint Committee on Administrative Rules, 509 South Sixth Street, Room 500, Springfield, IL 62701.

Second Notice Expires	Agency and Rule	Start of First Notice	Scheduled for Consideration by JCAR
6/1/90	Department of Transportation, Procedures (92 Ill. Adm. Code 107)	3/2/90 14 Ill. Reg. 3028	May 8, 1990
6/1/90	Department of Professional Regulation, The Illinois Nursing Act (68 Ill. Adm. Code 1300)	9/15/89 13 Ill. Reg. 14236	May 8, 1990

PROCLAMATION

90-176

COMMENDS LITTLE MISS SIGMA PAGEANT/
CONGRATULATES JENNIFER DOUGLAS

Whereas, the Epsilon Sigma Sigma Chapter of Sigma Gamma Rho Sorority has made a commitment to community service by providing financial assistance to college students; and

Whereas, Epsilon Sigma Sigma hosts the annual Little Miss Sigma Pageant in order to raise scholarship funds; and

Whereas, the pageant emphasizes and encourages high scholastic attainment and the development of leadership, individual talents, poise, personal dignity; and

Whereas, Jennifer Douglas of Springfield was the 1989 winner of the Little Miss Sigma Pageant and will end her reign when she crowns the winner at the 1990 pageant;

Therefore, I, James R. Thompson, Governor of the State of Illinois, commend the LITTLE MISS SIGMA PAGEANT on its worthwhile endeavors and congratulate JENNIFER DOUGLAS for capturing the Little Miss Sigma title in 1989.

Issued by the Governor April 18, 1990.

Filed with the Secretary of State April 23, 1990.

90-177

HENRY AND SOCORRO GARZA DAY

Whereas, Henry M. Garza and Socorro Bonilla were united in marriage on April 24, 1965; and

Whereas, Henry loves Socorro even more than he loves the Chicago Cubs, and Socorro loves Henry more than she loves multi-flavored Slurpees; and

Whereas, both Henry and Socorro have lost something in the past 25 years--Henry lost his hair and Socorro lost her hearing; and

Whereas, their marriage has survived little league games, measles, broken bones, trumpet and saxophone lessons, heavy metal music (live and on vinyl), piano lessons, broken windows, sleep-walking kids, and an army of pets; and

Whereas, their marriage is more important and more rewarding than winning the lottery (maybe);

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim April 24, 1990, as HENRY AND SOCORRO GARZA DAY in Illinois in honor of their 25th wedding anniversary.

Issued by the Governor April 18, 1990.

Filed with the Secretary of State April 23, 1990.

90-178

INDEPENDENT ORDER OF FORESTERS
CHILD ABUSE PREVENTION WEEK

Whereas, the Independent Order of Foresters (IOF) is one of the oldest and largest fraternal benefit societies in the world; and

Whereas, the IOF has been actively fighting child abuse for over a decade; and

Whereas, the IOF founded the Florence Hallum Prevention of Child Abuse Fund in 1975, and every dollar the fund receives is distributed through grant programs of non-profit organizations working with troubled families; and

Whereas, the IOF provides informational booklets and parenting tip sheets and produces and distributes films to educate the public;

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim April 22-28, 1990, as INDEPENDENT ORDER OF FORESTERS CHILD ABUSE PREVENTION WEEK in Illinois in honor of the organization's dedication to improving the quality of life for our young people.

Issued by the Governor April 18, 1990.

Filed with the Secretary of State April 23, 1990.

90-179

PROFESSIONAL SECRETARIES WEEK/
PROFESSIONAL SECRETARIES DAY

Whereas, since 1952, Professional Secretaries International has sponsored an observance recognizing the vital contributions of secretaries to our society; and

Whereas, the secretary serves as the key interface among all groups in an organization and provides the coordination of efforts that is so essential to success; and

Whereas, the secretarial profession demands the execution of complex tasks in a competent and cooperative manner. Today's secretary is also required to demonstrate skill as a decision-maker;

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim April 22-28, 1990, as PROFESSIONAL SECRETARIES WEEK and April 25, 1990, as PROFESSIONAL SECRETARIES DAY in Illinois in recognition of their efforts in the operation of every aspect of our business and government.

Issued by the Governor April 18, 1990.

Filed with the Secretary of State April 23, 1990.

90-180

QUEEN ISABELLA DAY

Whereas, the world community will declare 1992 as the Year of

the Fifth Centennial of the Discovery of America; and

Whereas, throughout the ages, men's courage often has been quided and altered by great rulers who have left indelible marks upon their areas; and

Whereas, America's discovery in 1492 was made possible through support from Queen Isabella of Castile, wife of Ferdinand of Aragon. Queen Isabella's belief in the honesty and determination of Christopher Columbus enabled him to make his daring voyage; and

Whereas, the colonizing of this country and the winning of its independence could have been delayed for many years without Queen Isabella's initiative and foresight; and

Whereas, Queen Isabella treated the New World with concern, especially regarding the plight of the American natives, and the history of America has a direct linkage to the birth of Queen Isabella on April 22, 1451;

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim April 22, 1990, as QUEEN ISABELLA DAY in Illinois in honor of her 539th birthday anniversary.

Issued by the Governor April 18, 1990.

Filed with the Secretary of State April 23, 1990.

90-181

SEVENTH-DAY ADVENTIST SCHOOLS WEEK

Whereas, since the founding of the Seventh-day Adventist Church in 1863, Adventist Christian education on the elementary, secondary, college, and university levels has been dedicated to the premise of preparing boys and girls for service to God, their country, and their local communities; and

Whereas, the goals of this observance are to inform the public about Seventh-day Adventist Schools and to encourage renewed commitment to the Adventist School as the most effective instrument available to the church for realizing the purposes of Adventist education; and

Whereas, Adventist Christian education has, from its beginning, been dedicated to the harmonious development of the mental, physical, and spiritual powers of the youth; and

Whereas, Adventist Schools have worked to maintain standards of excellence and quality in their total program which is available to all students, regardless of race, creed, color, or sex; and

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim April 21-28, 1990, as SEVENTH-DAY ADVENTIST SCHOOLS WEEK in Illinois.

Issued by the Governor April 18, 1990.

Filed with the Secretary of State April 23, 1990.

JCAR - Joint Committee on Administrative Rules

ACTION CODES

A - Adopted Rule	P - Proposed Rule
AR - Adopted Repealer	PF - Prohibited Filing Ordered by JCAR
C - Notice of Corrections	PP - Preliminary or Court ordered Rules
CC - Codification Changes	PR - Proposed Repealer
E - Emergency Rule	R - Refusal to meet JCAR objection
ER - Emergency Repealer	RC - Statement of Recommendation
M - Modification to meet JCAR objections	S - Suspension ordered by JCAR
O - JCAR Statement of Objections	W - Withdrawal to meet JCAR objections

EXAMPLE:

AGRICULTURE, DEPARTMENT OF

8 Ill. Adm. Code 285 III. Grain Insurance Act (P-18048/85; A-6818)

TITLE PART ACTION CODE PAGE NUMBER PREVIOUS VOLUME ACTION CODE PAGE NUMBER

ALL RULES ARE LISTED BY PART NUMBER AND HEADING ONLY. (FOR ACTION ON SPECIFIC SECTIONS, PLEASE REFER TO THE SECTIONS AFFECTED INDEX.) IF THERE ARE ANY QUESTIONS, PLEASE CONTACT THE ADMINISTRATIVE CODE DIVISION AT (217) 782-9786.

AGING, DEPARTMENT ON

89 Ill. Adm. Code 240 Community Care Program (P-1077) (P-13638/89; O-17144/89; R-1533) (P-13353/89; A-1233)

89 Ill. Adm. Code 230 Older Americans Act Programs (P-14499/89; A-2308)

AGRICULTURE, DEPARTMENT OF

8 Ill. Adm. Code 110 Animal Diagnostic Laboratory Act (P-15911/89; A-1907) (P-16861/89; A-3416)

8 Ill. Adm. Code 75 Bovine Brucellosis (P-15915/89; A-1911)

8 Ill. Adm. Code 85 Diseased Animals (P-15926/89; A-1919)

8 Ill. Adm. Code 80 III. Bovine Tuberculosis Eradication Act (P-15938/89; A-1931)

8 Ill. Adm. Code 115 III. Pseudorabies Control Act (P-15942/89; A-1935) (P-19329/89; A-5065)

8 Ill. Adm. Code 40 Livestock Auction Markets (P-15950/89; A-1943)

8 Ill. Adm. Code 45 Marketing Center (Livestock) (P-15956/89; A-1949)

8 Ill. Adm. Code 125 Meat & Poultry Inspection Act (P-16625/89; A-3424) (PP-4953)

8 Ill. Adm. Code 850 Motor Fuel Standards Act (P-19837/89; A-5072)

2 Ill. Adm. Code 700 Organizational Chart, Description, Rulemaking Procedure, & Programs (A-584) (A-4093)

8 Ill. Adm. Code 5 Standardization of Agriculture Products (P-3711)

8 Ill. Adm. Code 100 Swine Brucellosis (P-15960/89; A-1953)

8 Ill. Adm. Code 105 Swine Disease Control & Eradication Act (P-15968/89; A-1961)

ALCOHOLISM AND SUBSTANCE ABUSE, DEPARTMENT OF

77 Ill. Adm. Code 2058 Licensure of Alcoholism & Substance Abuse Treatment Intervention & Research Programs (P-6457)

ATTORNEY GENERAL

86 Ill. Adm. Code 2000 III. Estate & Generation - Skipping Transfer Tax Act (P-4281)

AUDITOR GENERAL

74 Ill. Adm. Code 420 Code of Regulations (P-1541)

BANKS AND TRUST COMPANIES, COMMISSIONER OF

38 Ill. Adm. Code 395 Corporate Fiduciary Branch Offices (P-2981)

38 Ill. Adm. Code 396 Corporate Fiduciary Subsidiaries (P-2985)

38 Ill. Adm. Code 356 Reimbursement to Banks for Financial Records (P-3303)

CARNIVAL-AMUSEMENT SAFETY BOARD

56 Ill. Adm. Code 6000 Carnival & Amusement Ride Inspection Law (P-2989) (E-3235; O-5905)

CENTRAL MANAGEMENT SERVICES, DEPARTMENT OF

80 Ill. Adm. Code 303 Conditions of Employment (P-17169/89; A-3433)

80 Ill. Adm. Code 2160 Local Government Health Plan (P-4288)

80 Ill. Adm. Code 310 Pay Plan (P-427) (P-15141/89; A-615) (PP-1627) (P-17521/89; A-4455) (P-5269)

80 Ill. Adm. Code 3000 The Travel Regulation Council (P-1548)

CHILDREN AND FAMILY SERVICES, DEPARTMENT OF

89 Ill. Adm. Code 431 Confidentiality of Personal Information of Persons Served by the Dept. (P-4303)

89 Ill. Adm. Code 410 Licensing Standards for Youth Emergency Shelters (P-439) (E-999)

89 Ill. Adm. Code 300 Reports of Child Abuse & Neglect (P-20159/89; C-2684)

89 Ill. Adm. Code 302 Services Delivered by the Dept. (P-1) (P-2205) (P-14508/89; A-3438)

COMMERCE AND COMMUNITY AFFAIRS, DEPARTMENT OF

14 Ill. Adm. Code 525 Economic Development Area Tax Increment Allocation Financing (P-13356/89; A-1968)

14 Ill. Adm. Code 520 Enterprise Zone Program (P-15975/89; A-3445)

56 Ill. Adm. Code 2650 Industrial Training Program (P-15977/89; A-5075)

14 Ill. Adm. Code 550 Local Tourism & Convention Bureau Program (P-17567/89; A-5091) (P-5294) (E-5565)

47 Ill. Adm. Code 120 State Administration of the Federal Community Services Block Grant Program (P-5296)

56 Ill. Adm. Code 2610 Training Services for the Disadvantaged (P-5017/89; A-1976)

56 Ill. Adm. Code 2630 Uniform Fiscal & Administrative Standards for the Job Training Partnership Act (P-5310)

COMMERCE COMMISSION, ILLINOIS

92 Ill. Adm. Code 1207 Agents for Service of Process (P-15150/89; A-3033)

83 Ill. Adm. Code 760 Cellular Radio Exclusion (P-13358/89; A-3037)

83 Ill. Adm. Code 281 Energy Assistance (PR-4312)

83 Ill. Adm. Code 900 Joint Rules of the Ill. Commerce Commission & the Dept. of Energy & Natural Resources: Residential Conservation Plan (PR-12680/89; AR-624)

92 Ill. Adm. Code 1300 Minimum Rate (PR-14147/89; AR-3040)

83 Ill. Adm. Code 445 Purchase & Sale of Electric Energy from Qualified Solid Waste Energy Facilities (P-13129/89; A-626)

92 Ill. Adm. Code 1710 Relocation Towing (P-2721)

83 Ill. Adm. Code 285 Standard Filing Requirements for Electric, Gas, Water & Sewer Utilities & Telecommunications Carriers in Filing for an Increase in Rates (P-5229/89; A-6000)

83 Ill. Adm. Code 410 Standards of Service for Electric Utilities (P-16211/89; A-3454)

83 Ill. Adm. Code 500 Standards of Service for Gas Utilities (P-16219/89; A-3463)

83 Ill. Adm. Code 755 Telecommunications Access for the Deaf (P-15157/89; A-3042)

83 Ill. Adm. Code 757 Telephone Assistance Program (P-2731)

83 Ill. Adm. Code 505 Uniform System of Accounts for Gas Utilities (P-13361/89; A-1605)

83 Ill. Adm. Code 710 Uniform System of Accounts for Telecommunications Carriers (P-1552)

COMMUNITY COLLEGE BOARD, ILLINOIS

23 Ill. Adm. Code 1501 Administration of the Ill. Public Community College Act (P-14) (E-299) (P-3308) (P-16869/89; A-4126)